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Kevin Stitt, Governor
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Notices of Rulemaking Intent

Prior to adoption and gubernatorial/legislative review of a proposed PERMANENT rulemaking action, an agency must publish a Notice of Rulemaking Intent in the *Register*. In addition, an agency may publish a Notice of Rulemaking Intent in the *Register* prior to adoption of a proposed EMERGENCY or PREEMPTIVE rulemaking action.

A Notice of Rulemaking Intent announces a comment period, or a comment period and public hearing, and provides other information about the intended rulemaking action as required by law, including where copies of proposed rules may be obtained.

For additional information on Notices of Rulemaking Intent, see 75 O.S., Section 303.

TITLE 38. OKLAHOMA BOARD OF LICENSED ALCOHOL AND DRUG COUNSELORS CHAPTER 10. LICENSURE AND CERTIFICATION OF ALCOHOL AND DRUG COUNSELORS

[OAR Docket #18-790]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 7. Application [AMENDED]
- Subchapter 9. Supervision [AMENDED]
- Subchapter 11. Fees [AMENDED]
- Subchapter 13. Continuing Education Requirements [AMENDED]

SUMMARY:

The proposed revisions to Subchapter 7 will clarify the scope of practice of the LADC/MH and make the rule more consistent with Title 59 definitions.

Revisions in Subchapter 9 will make an exception to video supervision limits on the basis of hardship.

Subchapter 11 is revised to change the name of the co-occurring disorder certification application fee and raise the fee to be consistent with other application fees.

Subchapter 13 will require candidates to complete ethics training and continuing education each year of the candidacy.

AUTHORITY:

Oklahoma Board of Licensed Alcohol and Drug Counselors; 59 O.S., § 1875-1 and 1884 (B).

COMMENT PERIOD:

Persons may submit written comments to Richard D. Pierson at 101 N.E. 51st Street, Oklahoma City, Ok 73105, or P. O. Box 54388, Oklahoma City, Ok 73154 until the conclusion of the public hearing on February 15, 2019.

PUBLIC HEARING:

A public hearing will be held at 11:00 A.M. on February 15, 2019 at the Oklahoma Board of Licensed Alcohol and Drug Counselors, 101 N.E. 51st Street, Oklahoma City, Ok 73105 to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of five (5) minutes to speak and must sign in at the door by 11:05 A.M.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct

costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Richard Pierson at the above address during the period from January 15, 2019 to February 15, 2019.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Licensed alcohol and Drug Counselors, 101 N.E. 51st Street, Oklahoma City, Ok 73105 or the Board website at www.okdrugcounselors.org under Laws and Regulations.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be prepared and may be obtained from the Oklahoma Board of Licensed Alcohol and Drug Counselors at the above address beginning January 30, 2019.

CONTACT PERSON:

Richard D. Pierson, Executive Director, (405) 521-0779 or рпиerson@okdrugcounselors.org.

[OAR Docket #18-790; filed 12-18-18]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES

[OAR Docket #18-837]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 210:10-1-12. Acquired Immune Deficiency Syndrome (AIDS) [REVOKED]

SUMMARY:

This rule adopted in the 1980s, which had placed purported limits on a student's right to attend public school if they are living with HIV/AIDS, is being revoked due to its outdated content that conflicts with current law and scientific understanding.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from January 15, 2019 until 4:30 p.m. on Friday, February 15, 2019.

Notices of Rulemaking Intent

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 522-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Friday, February 15, 2019, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

[OAR Docket #18-837; filed 12-21-18]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES

[OAR Docket #18-838]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Child Nutrition Program
- Part 3. Child and Adult Care Food Program (CACFP)
- 210:10-3-20. Definitions [REVOKED]
- 210:10-3-21. Terms defined in CACFP regulations [REVOKED]
- 210:10-2-22. Agreement [REVOKED]
- 210:10-3-23. Specification of meal times [REVOKED]
- 210:10-3-24. Cycle menus [REVOKED]
- 210:10-3-25. Recordkeeping [REVOKED]
- 210:10-3-26. Commodities [REVOKED]
- 210:10-3-27. Meal pattern requirements [REVOKED]
- 210:10-3-28. Unrecovered funds [REVOKED]
- 210:10-3-29. Administrative review [REVOKED]
- 210:10-3-30. Day care homes; sponsoring organizations for day care homes (DCH) agreement [REVOKED]
- 210:10-3-31. Day care homes; administrative rules [REVOKED]
- 210:10-3-32. Day care homes; meal pattern requirements [REVOKED]
- 210:10-3-33. Day care homes; unrecovered funds [REVOKED]
- 210:10-3-34. CACFP procedures for conducting audits of CACFP participants [REVOKED]
- 210:10-3-35. CACFP claims processing procedures [REVOKED]
- 210:10-3-36. CACFP approval procedures [REVOKED]
- 210:10-3-37. CACFP appeal procedures [REVOKED]
- 210:10-3-38. CACFP procedures for advance funding [REVOKED]
- 210:10-3-39. CACFP termination procedures [REVOKED]
- 210:10-3-40. Child and Adult Care Food Program (CACFP) general provisions [NEW]

SUMMARY:

The current content of the Child and Adult Care Food Program (CACFP) subpart is being revoked, as these rules adopted in 1995 no longer consistently reflect the federal laws and regulations that govern the CACFP program. A new rule is proposed for adoption under this subchapter, incorporating the federal regulations at 7 C.F.R. Part 226 as Oklahoma's governing rules for the program, with any state level policies specifically required by federal law made available on the State Department of Education website and through the Office of Child Nutrition. Incorporating the federal regulations as Oklahoma's CACFP program rules will ensure that state guidelines are always consistent with the governing federal law

and rules, even when changes are made to the program at the federal level.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 7 C.F.R. Part 226

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from January 15, 2019 until 4:30 p.m. on Friday, February 15, 2019.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 522-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Friday, February 15, 2019, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

[OAR Docket #18-838; filed 12-21-18]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #18-839]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

210:20-1-2. Prohibition on aiding and abetting sexual abuse
[NEW]

SUMMARY:

This is a rule adoption required under the Every Student Succeeds Act (ESSA), the federal legal framework for public education that replaced No Child Left Behind. 20 U.S.C. § 7926 directs all state and local education agencies that receive federal funding to adopt a prohibition on their employees and contractors assisting any school employee or contractor in obtaining employment if it is known, or believed based on probable cause, that the person seeking employment engaged in sexual misconduct with a student or minor. This proposed rule satisfies the policy adoption obligation at the state level, and directs school districts and charter schools to adopt their own policies consistent with the federal prohibition.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 20 U.S.C. § 7926

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from January 15, 2019 until 4:30 p.m. on Friday, February 15, 2019.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 522-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Friday, February 15, 2019, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education

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Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

[OAR Docket #18-839; filed 12-21-18]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #18-840]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 18. Lead and Master Teachers [NEW]

210:20-18-1. Lead and master teaching certificates [NEW]

SUMMARY:

Pursuant to Senate Bill 980 (2018), the State Board of Education is directed to adopt rules implementing fees and renewal details for two new classes of advanced teacher certification, a lead teaching certificate and a master teaching certificate. The proposed rule will clarify the statutory eligibility requirements for the lead teaching certificate and master teaching certificate, and establish a fee that is linked by reference to the standard certification fee listed in *Oklahoma Administrative Code* 210:20-9-9. The renewal requirements will incorporate the standard certificate renewal process at 210:20-9-96, with additional requirements specific to the two advanced classes of certification. The rule will also outline how a lead teacher or master teacher may return to standard certification if they are no longer eligible for or no longer wish to hold the advanced certification.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 6-190

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from January 15, 2019 until 4:30 p.m. on Friday, February 15, 2019.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 522-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Friday, February 15, 2019, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

[OAR Docket #18-840; filed 12-21-18]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 205. HAZARDOUS WASTE MANAGEMENT**

[OAR Docket #18-789]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Incorporation by Reference
252:205-3-1 [AMENDED]
252:205-3-2 [AMENDED]

SUMMARY:

The gist of this rulemaking is to make DEQ's hazardous waste rules consistent with the federal regulations by incorporating by reference the regulations found in 40 CFR Parts 124 and 260-279, revised as of July 1, 2018. Significant federal rule changes which will be incorporated include: Establishing EPA user fees for electronic and paper manifests; new EPA rules related to Confidentiality Determinations for Hazardous Waste Export and Import Documents; and revisions to EPA's Definition of Solid Waste (DSW) rule resulting from court decisions vacating certain provisions. This rulemaking will ensure that Oklahoma's hazardous waste rules are at least equivalent to the federal rules.

AUTHORITY:

Environmental Quality Board and Hazardous Waste Management Advisory Council powers and duties; 27A O.S. §§ 2-2-101, 2-2-104, 2-2-201, 2-7-105, and 2-7-106.

COMMENT PERIOD:

Public comments on the proposed rules were accepted from September 11, 2018 through October 11, 2018.

PUBLIC HEARINGS:

A public hearing was held before the Hazardous Waste Management Advisory Council on October 11, 2018 at 10:00 a.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73102. This proposed rulemaking will be presented before the Environmental Quality Board on February 15, 2019 at 9:30 a.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73102.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Environmental Quality requests that business entities affected by these modifications provide the DEQ, within the comment period and in dollar amounts if possible, the increase or decrease in the level of direct costs such as fees and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the contact person or may be viewed on the DEQ web site at

www.deq.state.ok.us/LPDnew/LPProprules.htm or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement for the proposed rules will be on file at the DEQ and may be requested from the contact person listed below.

CONTACT PERSON:

Mike Edwards, Hazardous Waste Compliance and Inspection Section, Department of Environmental Quality, P.O. Box 1677, Oklahoma City, OK 73101 - 1677, e-mail at mike.edwards@deq.ok.gov, phone 405-702-5226, or fax 405-702-5101.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing to be held before the Hazardous Waste Management Advisory Council and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5226 or by using TDD relay number 1-800-522-8506.

[OAR Docket #18-789; filed 12-18-18]

**TITLE 265. STATE FIRE MARSHAL COMMISSION
CHAPTER 25. REFERENCED STATE CODES AND STANDARDS**

[OAR Docket #18-788]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

265:25-1-4 [AMENDED]

SUMMARY:

The proposed rules are to define the use and occupancy classifications, authority having jurisdiction, positive pressure primary water source, assembly and educational building/press boxes, carbon dioxide system, smoke detection system, access control, smoke control system, carbon monoxide system and inspections using referenced state codes and standards.

AUTHORITY:

Title 74 O.S. Supp. 2007, §324.11; State Fire Marshal Commission

COMMENT PERIOD:

Persons may submit written comments up to 10:00 a.m. on February 15, 2019 to Sam Schafnitt, State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107, or by email to Sam.Schafnitt@fire.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Friday, February 15, 2019, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107. Anyone who wishes to speak must sign in at the front door by 10:05 a.m.

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REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sam Schafnitt at the above address before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107, or by email request to Susie.Cain@fire.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and available on or after the publication of this notice on January 15, 2019 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Sam Schafnitt, Assistant State Fire Marshal at (405) 522.5014 or Sam.Schafnitt@fire.ok.gov.

[OAR Docket #18-788; filed 12-17-18]

TITLE 300. GRAND RIVER DAM AUTHORITY CHAPTER 35. LAKE RULES

[OAR Docket #18-836]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. General Provisions
300:35-3-12. [AMENDED]
- Subchapter 5. Boating Safety Rules
300:35-5-11. [AMENDED]
- Subchapter 7. Vessels
300:35-7-12. [AMENDED]
- Subchapter 21. Administration of Rules and Hearings
300:35-21-3. [AMENDED]
300:35-21-6. [AMENDED]
300:35-21-7. [AMENDED]
300:35-23-8. [AMENDED]

SUMMARY:

The proposed amendments modify the procedures for service of a Notice of Violation and a Final Order. Language regarding alcoholic beverages on Grand River Dam Authority land has been revised to correlate with Oklahoma state law. Additionally, other general clarifications have been made.

AUTHORITY:

Grand River Dam Authority; 82 O.S. 2011 § 861A(B)(1), 82 O.S.Supp.2012 § 863.2(B).

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2019 through 4:45 p.m. on February 15, 2019 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Tamara Jahnke.

PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Tuesday, February 19, 2019 at 10:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, within the Comment Period from January 16, 2019 through February 15, 2019, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity or public member due to compliance with the proposed rules. This information may be submitted in writing from January 16, 2019 through 4:45 p.m. on February 15, 2019 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Tamara Jahnke.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Tamara Jahnke at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545. The proposed amendments may also be viewed on the Grand River Dam Authority website at www.grda.com.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a Rule Impact Statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301. The Rule Impact Statement may also be viewed on the Grand River Dam Authority website at www.grda.com.

CONTACT PERSON:

Tamara Jahnke, Assistant General Counsel, (918) 256-5545

[OAR Docket #18-836; filed 12-20-18]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 2. GRIEVANCE PROCEDURES AND PROCESS

[OAR Docket #18-817]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 317:2-1-2 [AMENDED]
- 317:2-1-6 [AMENDED]
- 317:2-1-7 [AMENDED]
- 317:2-1-10 [AMENDED]
- 317:2-1-11 [AMENDED]
- 317:2-1-12 [AMENDED]
- 317:2-1-13 [AMENDED]
- 317:2-1-14 [AMENDED]
- 317:2-1-16 [AMENDED]

(Reference APA WF # 18-15A)

SUMMARY:

The proposed revisions extend the length of time that a member or provider has to request an appeal of an adverse agency action, from twenty (20) days to thirty (30) days. Additionally, the revisions add Supplemental Hospital Offset Payment Program (SHOPP) to the list of other grievance procedures and processes.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR 455.436; 42 CFR 455.450

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 20, 2019 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-817; filed 12-19-18]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #18-803]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. General Provider Policies
 - Part 3. General Medical Program Information
 - 317:30-3-38 [NEW]
 - 317:30-3-57 [AMENDED]
 - Subchapter 5. Individual Providers and Specialties
 - Part 1. Physicians
 - 317:30-5-20 [AMENDED]
 - 317:30-5-20.1 [AMENDED]
 - 317:30-5-24 [AMENDED]
 - Part 3. Hospitals
 - 317:30-5-40.1 [AMENDED]
 - 317:30-5-42.10 [AMENDED]
 - 317:30-5-42.13 [AMENDED]
 - 317:30-5-42.14 [AMENDED]
 - Part 7. Certified Laboratories
 - 317:30-5-101 [AMENDED]

(Reference APA WF # 18-01)

SUMMARY:

The proposed revisions to the lab services policy strengthen the language delineating medical necessity and compensable and non-compensable lab services. Additional revisions add language to define penalties that can be enforced if a provider does not abide by the rules regarding medical necessity of lab services. The revisions also clarify that the Oklahoma Health Care Authority (OHCA) does not pay for all lab services listed in the Centers for Medicare and Medicaid Services (CMS) fee schedule but only those that are medically necessary in addition to the four other conditions required for payment. The aforementioned changes were approved during promulgation of the emergency rule. The following are proposed changes not previously reviewed: The proposed revisions to policy establish a maximum paid amount (benefit cap) of \$500.00 per year for adult SoonerCare members for outpatient lab, radiology, and some medical testing. Policy revisions will state exemptions for which there will not be a benefit cap. Lab services which exceed the \$500 cap amount can be reviewed

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and approved if medically necessary. Establishing a benefit cap is necessary due to increasing overutilization of wellness panels and other preventive tests. Once the OHCA pays the claim to the provider who performs the test, that provider has no exposure to recoupment because he or she is only fulfilling a service that was ordered by a primary care provider. Benefit caps for these types of services are routinely employed by other states' Medicaid agencies, including that of Arkansas.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR §440.230; 42 CFR §411.15

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 20, 2019 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-803; filed 12-19-18]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

[OAR Docket #18-804]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 9. Long-Term Care Facilities

317:30-5-123 [AMENDED]

(Reference APA WF # 18-07A)

SUMMARY:

The proposed revisions will incorporate new language to clarify that the most current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM) will be used for diagnostic purposes of a mental illness and/or intellectual disability in Medicaid certified nursing facility admissions. Revisions will also involve limited rewriting aimed at clarifying text, eliminating redundancies, and updating outdated terminology.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 Code of Federal Regulations, Sec. 483.102

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 20, 2019 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-804; filed 12-19-18]

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE
FOR SERVICE**

[OAR Docket #18-805]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-33 [NEW]

(Reference APA WF # 18-09)

SUMMARY:

The proposed revisions to general provider policies are in accordance with state and federal laws that require the Oklahoma Health Care Authority (OHCA) to safeguard against unnecessary utilization of medical supplies and services and help ensure payments are consistent, efficient, economical, and provide good quality of care. These revisions will help ensure that reimbursements are for medically necessary, correctly and/or appropriately billed, medical supplies and services. Finally revisions will define and explain the various reviews that may be performed by the OHCA or its contractor before OHCA pays a claim for medical supplies or services rendered.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 U.S.C. § 1396a(a)(30)(A); 56 O.S. § 1010.4(B)(5); 42 CFR § 447.45(f)

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 20, 2019 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-805; filed 12-19-18]

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE
FOR SERVICE**

[OAR Docket #18-806]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-19.4 [AMENDED]
Appendix A. Risk Levels for Providers [NEW]

(Reference APA WF # 18-13)

SUMMARY:

The proposed revisions will establish application fees required by Federal law for providers enrolling or re-enrolling in Medicaid. Revisions will define providers who are exempted from the application fee as individual physician or non-physician practitioners, providers who enrolled with and paid the fee to Medicare, and providers who enrolled with and paid the fee to another state Medicaid agency. Additional revisions will outline provider screening and enrollment requirements designed to help defend against Medicaid provider fraud, waste, or abuse. Furthermore,

Notices of Rulemaking Intent

provider screening requirements are outlined according to three categorical screening levels: limited-risk, moderate-risk, and high-risk. Examples of screening requirements are licensure verification, on-site visits, and fingerprinting-based background checks.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 C.F.R. § 455.436; 42 C.F.R. § 455.450

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 20, 2019 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-806; filed 12-19-18]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

[OAR Docket #18-807]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-2.1 [AMENDED]
Subchapter 5. Individual Providers and Specialties
Part 6. Inpatient Psychiatric Services
317:30-5-95.31 [AMENDED]
Part 9. Long-Term Care Facilities
317:30-5-136 [AMENDED]
317:30-5-136.1 [AMENDED]
Part 83. Residential Behavior Management Services
317:30-5-746 [AMENDED]
(Reference APA WF # 18-15B)

SUMMARY:

The proposed revisions change all of the agency's appeals rules, to extend the length of time that appeals can be submitted from twenty (20) days to thirty (30) days of receiving notice of an agency adverse action.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR 455.436; 42 CFR 455.450

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 20, 2019 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the

proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-807; filed 12-19-18]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #18-808]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. General Provider Policies
- Part 4. Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program/Child-Health Services 317:30-3-65.4 [AMENDED]
- (Reference APA WF # 18-17)

SUMMARY:

The proposed revisions will add coverage and reimbursement language for maternal depression screenings at Early and Periodic Screening Diagnostic (EPSDT) and Treatment well-child visits. The policy will also reiterate how the Oklahoma Health Care Authority adopts and utilizes the American Academy of Pediatrics' Bright Futures periodicity schedule including for the maternal depression screenings. Additionally, the proposed revisions will update the child abuse section to provide a more thorough explanation of how to report child abuse including clarifying text, and updating outdated citations.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F) (1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Title 42 of the Code of Federal Regulations (CFR), Part 441, Subpart B

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 20, 2019 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-808; filed 12-19-18]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #18-809]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 80. Mobile Dental Clinics [NEW]
- 317:30-5-706 [NEW]
- 317:30-5-707 [NEW]
- 317:30-5-708 [NEW]
- 317:30-5-709 [NEW]
- 317:30-5-710 [NEW]
- 317:30-5-711 [NEW]
- (Reference APA WF # 18-18)

Notices of Rulemaking Intent

SUMMARY:

The proposed revisions will add coverage and reimbursement for preventive dental services received through a mobile dental clinic. Additionally, revisions will delineate mobile dental clinic provider participation requirements pursuant to the State Dental Act, while also defining coverage and limitations for preventive dental services, basic consent form requirements, and medical records requirements.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F) (1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Title 42 of the Code of Federal Regulations (CFR), Part 441, Subpart B

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 20, 2019 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-809; filed 12-19-18]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

[OAR Docket #18-810]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-2 [AMENDED]

317:30-5-11 [AMENDED]

(Reference APA WF # 18-23)

SUMMARY:

The proposed revisions will clarify provider types and reimbursement of psychiatric services as part of a direct physician service visit in a nursing facility. Revisions will also involve limited rewriting aimed at clarifying text, eliminating redundancies, and updating outdated terminology.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 Code of Federal Regulations, Part 483

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 20, 2019 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-810; filed 12-19-18]

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE
FOR SERVICE**

[OAR Docket #18-811]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. General Provider Policies
 - Part 1. General Scope and Administration
317:30-3-31 [AMENDED]
 - Part 3. General Medical Program Information
317:30-3-64 [AMENDED AND RENUMBERED TO
317:30-3-92]
 - Part 6. Out-Of-State Services [NEW]
317:30-3-89 [NEW]
317:30-3-90 [NEW]
317:30-3-91 [NEW]
317:30-3-92 [NEW]
 - Subchapter 5. Individual Providers and Specialties
 - Part 6. Inpatient Psychiatric Services
317:30-5-95.24 [AMENDED]
- (Reference APA WF # 18-24)**

SUMMARY:

The proposed revisions will define and clarify coverage and reimbursement for services rendered by providers that are physically located outside of Oklahoma. Additionally, revisions will delineate out-of-state services, provider participation requirements, prior authorizations, and medical records requirements. Lastly, revisions will outline reimbursement criteria for out-of-state providers who do not accept the payment rate established through the State Plan.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F) (1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Title 42 of the Code of Federal Regulations (CFR), Sections 431.52 and 440.170

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 20, 2019 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-811; filed 12-19-18]

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE
FOR SERVICE**

[OAR Docket #18-812]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. General Provider Policies
 - Part 1. General Scope and Administration
317:30-3-19.5 [AMENDED]
- Subchapter 5. Individual Providers and Specialties
 - Part 75. Federally Qualified Health Centers
317:30-5-664.8 [AMENDED]

Notices of Rulemaking Intent

(Reference APA WF # 18-25)

SUMMARY:

The proposed revisions will eliminate references to sections that have been revoked. Additional revisions will correct misspelled words and grammatical mistakes for better flow and understanding.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 20, 2019 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-812; filed 12-19-18]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

[OAR Docket #18-813]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 105. Residential Behavioral Management Services in Group Settings and Non-Secure Diagnostic and Evaluation Centers

317:30-5-1041 [AMENDED]

317:30-5-1042 [AMENDED]

317:30-5-1043 [AMENDED]

317:30-5-1044 [AMENDED]

317:30-5-1046 [AMENDED]

(Reference APA WF # 18-26)

SUMMARY:

The proposed revisions will streamline group home coverage and reimbursement policy language and develop consistency with current practice. The proposed revisions will outline and clarify provider requirements and remove references to any services provided in wilderness camps and Diagnostic and Evaluation (D&E) centers. Revisions will involve limited rewriting aimed at updating outdated terminology.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

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REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-813; filed 12-19-18]

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE
FOR SERVICE**

[OAR Docket #18-814]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 6. Inpatient Psychiatric Services
317:30-5-96.6 [AMENDED]
(Reference APA WF # 18-27)

SUMMARY:

The proposed revisions will streamline crossover payments of Medicare/Medicaid dual eligible individuals for Part A and B services. Additional revisions will update outdated terminology.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Social Security Act, Sec. 1902 (a)(10)(E)

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

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Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-814; filed 12-19-18]

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE
FOR SERVICE**

[OAR Docket #18-815]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 6. Inpatient Psychiatric Services
317:30-5-95.33 [AMENDED]
(Reference APA WF # 18-28)

SUMMARY:

The proposed revisions will comply with federal regulations by assuring that members under twenty-one (21) years of age, who are residing in qualified inpatient psychiatric settings, have access to a full range of medically necessary Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services. Additionally, revisions will emphasize that EPSDT services are accessible, regardless of whether such services are listed on the individual plan of care.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma

Notices of Rulemaking Intent

Health Care Authority Board; Social Security Act, Sec. 1905 (a)(16)

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 20, 2019 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-815; filed 12-19-18]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

[OAR Docket #18-816]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 75. Federally Qualified Health Centers
317:30-5-664.3 [AMENDED]

317:30-5-664.4 [NEW]

(Reference APA WF # 18-30)

SUMMARY:

The proposed revisions will allow a member to receive multiple encounters at a Federally Qualified Health Center (FQHC) within a twenty-four (24) hour period. Additionally, the revisions will establish guidelines around utilization of multiple encounters and how the FQHC can correctly bill the Oklahoma Health Care Authority.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR 491.1

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 20, 2019 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-816; filed 12-19-18]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

[OAR Docket #18-818]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 19. Nursing Facility Services
317:35-19-8 [AMENDED]

(Reference APA WF # 18-07B)

SUMMARY:

The proposed revisions will incorporate new language to clarify that the most current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM) will be used for diagnostic purposes of a mental illness and/or intellectual disability in Medicaid certified nursing facility admissions. Revisions will also involve limited rewriting aimed at clarifying text, eliminating redundancies, and updating outdated terminology.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 Code of Federal Regulations, Sec. 483.102

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 20, 2019 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-818; filed 12-19-18]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

[OAR Docket #18-819]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Eligibility and Countable Income
Part 5. Countable Income and Resources
317:35-5-41 [AMENDED]
317:35-5-41.1 [AMENDED]
317:35-5-41.2 [AMENDED]
317:35-5-41.3 [AMENDED]
317:35-5-41.8 [AMENDED]
317:35-5-41.9 [AMENDED]
317:35-5-41.12 [NEW]

(Reference APA WF # 18-14)

SUMMARY:

The proposed revisions to the countable income and resources policy will amend policy on resources that are disregarded by Federal law due to Oklahoma transitioning from a 209(b) state to a Supplemental Security Income (SSI) criteria state for determination of eligibility for SSI related eligibility groups such as the Aged, Blind, and Disabled (ABD).

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 20 CFR § 416.1210; 20 CFR § 416.1236; 20 CFR § 416.1235; 20 CFR § 416.1245

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 20, 2019 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-819; filed 12-19-18]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY

[OAR Docket #18-820]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 19. Nursing Facility Services
317:35-19-16 [AMENDED]

(Reference APA WF # 18-15C)

SUMMARY:

The proposed revisions will change all of the agency's appeals rules, to extend the length of time that appeals can be submitted from twenty (20) days to thirty (30) days of receiving notice of an agency adverse action.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003

through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR 455.436; 42 CFR 455.450

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 20, 2019 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-820; filed 12-19-18]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY

[OAR Docket #18-821]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 22. Pregnancy Related Benefits Covered Under
Title XXI

317:35-22-2.1 [AMENDED]

(Reference APA WF # 18-16)

SUMMARY:

The proposed revisions will amend policy to provide non-emergency transportation (NET) to pregnant women covered under the Title XXI State Plan. The revisions are needed to comply with Parity federal regulations which instruct the State to provide equivalent services to all children covered under the Plan.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F) (1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Title 42 of the Code of Federal Regulations (CFR), Sections 440.240 and 440.250; 42 CFR 431.53; and 42 CFR 440.170

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019 to Carrie Evans, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 20, 2019 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans, at the above addresses, before the close of the comment period on February 15, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2019.

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org.

[OAR Docket #18-821; filed 12-19-18]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 2. ADMINISTRATIVE COMPONENTS**

[OAR Docket #18-823]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 8. Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule 340:2-8-1 through 2-8-14 [AMENDED]

(Reference WF 19-2A)

SUMMARY:

The proposed amendments to Chapter 2, Subchapter 8 amend the rules to: (1) add: (a) the Oklahoma Department of Human Services (DHS) as a designated hybrid entity for HIPAA; (b) definitions for covered function, health care component, health information, hybrid entity, and individually identifiable health information; (c) the definition for authorization and payment; (d) the client's right to rebut a denial of access to his or her protected health information (PHI); (e) examples of personal representatives and when a minor may act on his or her own behalf; (f) form names and numbers; and (g) rule and legal citations; (2) remove: (a) an unnecessary definition; (b) an exception to a client's right to access his or her own PHI; (c) incorrect information regarding when DHS staff may use or disclose PHI without authorization, (d) incorrect information that states a personal representative must be court-ordered; (e) an instruction to DHS staff from rules; and (f) an obsolete policy cite; (3) clarify how: (a) clients request an accounting of disclosures; (b) DHS staff complies with disclosure requests; (c) the DHS privacy officer responds to client complaints regarding improper use or disclosure of PHI; (d) clients request that DHS communicate with them by alternative means; and (e) clients request amendments to their PHI and how DHS staff responds to the requests; (4) clarify that an authorization may only be revoked in writing; (5) clarify and simplify language; and (6) update terminology and a policy citation.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; and Sections 160.103, 164.103, 164.105, 164.501, 164.502, 164.508, 164.514, 164.522, 164.524, 164.526, and 164.530 of Title 45 of the Code of Federal Regulations.

COMMENT PERIOD:

Written comments are accepted through February 14, 2019, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 26, 2019, at DHS, Sequoyah Memorial Office Building, 2400

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N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2019.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #18-823; filed 12-19-18]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 2. ADMINISTRATIVE COMPONENTS

[OAR Docket #18-824]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 25. ~~Office of General Counsel~~Legal Services

340:2-25-1 [AMENDED]

340:2-25-2 [REVOKED]

(Reference WF 19-2D)

SUMMARY:

The proposed amendments to Chapter 2, Subchapter 25 amend the rules to: (1) remove language regarding the Oklahoma Department of Human Services Commission as a constitutional and statutory authority and amend the legal authority; (2) make non-substantive changes to improve rule clarity; and (3) revoke an obsolete Section.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes.

COMMENT PERIOD:

Written comments are accepted through February 14, 2019, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 26, 2019, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2019.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #18-824; filed 12-19-18]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 10. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

[OAR Docket #18-825]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 14. Conditions of Eligibility - Immunizations

340:10-14-1 [AMENDED]

(Reference WF 19-10)

SUMMARY:

The proposed amendments to Chapter 10, Subchapter 14 amend the rule to: (1) change the form used to exempt

children from required immunizations to the Oklahoma State Department of Health (OSDH) official form; (2) clarify that good cause is determined by OSDH; and (3) add legal and rule citations.

AUTHORITY:

Director of Human Services; Sections 162, 230.52, 230.56, and 230.65 of Title 56 of the Oklahoma Statutes, and Section 608 of Title 42 of the United States Code.

COMMENT PERIOD:

Written comments are accepted through February 14, 2019, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 26, 2019, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2019.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #18-825; filed 12-19-18]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 15. STATE SUPPLEMENTAL PAYMENT AND THE SUPPLEMENTAL SECURITY INCOME-DISABLED CHILDREN'S PROGRAM**

[OAR Docket #18-826]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. State Supplemental Payment

340:15-1-2 [AMENDED]

340:15-1-4 through 340:15-1-6 [AMENDED]

Subchapter 3. Supplemental Security Income-Disabled Children's Program

340:15-3-1 [AMENDED]

(Reference WF 19-15)

SUMMARY:

The proposed amendments to Chapter 15, Subchapter 1 amend the rules to: (1) change terminology regarding the definition of an eligible couple; (2) add timely application processing standards; (3) add information regarding income calculation at application and when staff must verify income and resource changes for individuals receiving Supplemental Security Income (SSI); (4) separate reasons a person is or is not eligible for a State Supplemental Payment (SSP); (5) add more reasons a person is not eligible to receive a SSP; (6) clarify income eligibility determinations for SSP; (7) add information that a child ineligible for SSP may be eligible for SoonerCare (Medicaid) under the Tax Equity and Fiscal Responsibility Act of 1982 known as TEFRA; (8) update terminology; (9) clarify and simplify language; (10) remove obsolete and unnecessary language; and (11) update and add policy and legal citations.

The proposed amendments to Chapter 15, Subchapter 3 amend the rules to: (1) add information regarding a child's eligibility to receive SSI-Disabled Children's Program (SSI-DCP) services when the child is in state custody and the Oklahoma Department of Human Services (DHS) retains the SSI payment; (2) remove diapers from services provided through SSI-DCP funds; (3) change which Adult and Family Services (AFS) staff is responsible for sending a denial to an SSI-DCP request and the form used to deny the request; (4) add respite voucher used to request SSI-DCP; (5) add a requirement that a respite provider must be at least 18 years of age; and (6) add a legal citation.

AUTHORITY:

Director of Human Services; and Sections.17, 71, 162, 164, 168, and 183 of Title 56 of the Oklahoma Statutes; Sections 1382 and 1382b of Title 42 of the United States Code; and Section 504 of the Social Security Act.

COMMENT PERIOD:

Written comments are accepted through February 14, 2019, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal

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Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 26, 2019, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2019.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #18-826; filed 12-19-18]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 20. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

[OAR Docket #18-827]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Low Income Home Energy Assistance Program

340:20-1-12 [AMENDED]

340:20-1-17 [AMENDED]

(Reference WF 19-20)

SUMMARY:

The proposed amendments to Chapter 20, Subchapter 1 amend the rules to: (1) clarify that a household must have a

verified, active cut-off order to be eligible to receive Energy Crisis Assistance Program (ECAP) assistance; (2) add that an application is not required for households experiencing an energy crisis involving a life-threatening medical situation; and (3) move eligibility decision making for ECAP applications involving a life-threatening medical situation to centralized LIHEAP staff.

AUTHORITY:

Director of Human Services, Section 162 of Title 56 of the Oklahoma Statutes, and Section 8623 of Title 42 of the United States Code.

COMMENT PERIOD:

Written comments are accepted through February 14, 2019, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 26, 2019, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2019.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #18-827; filed 12-19-18]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 25. CHILD SUPPORT SERVICES**

[OAR Docket #18-828]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Scope and Applicability
- 340:25-1-1.1 [AMENDED]
- 340:25-1-2 [AMENDED]
- Subchapter 5. Operational Policies
- Part 15. Case Initiation, Case Management, and Case Closure
- 340:25-5-110.1 [AMENDED]
- 340:25-5-124 [AMENDED]
- Part 17. Past Support
- 340:25-5-140 through 340:25-5-140.1 [AMENDED]
- Part 20. Medical Support
- 340:25-5-168 [AMENDED]
- Part 21. Establishment
- 340:25-5-176 through 340:25-5-176.1 [AMENDED]
- 340:25-5-178 [AMENDED]
- 340:25-5-179.1 [AMENDED]
- Part 22. Review and Modification
- 340:25-5-198 [AMENDED]
- Part 23. Enforcement
- 340:25-5-200 [AMENDED]
- 340:25-5-212 [AMENDED]
- 340:25-5-214 [AMENDED]
- Part 31. Consumer Reporting Agencies - Credit Bureaus
- 340:25-5-265 [AMENDED]
- Part 37. Recovery
- 340:25-5-305 [AMENDED]
- 340:25-5-312 [REVOKED]
- Part 39. Accounting and Distribution
- 340:25-5-350.1 [REVOKED]
- 340:25-5-350.3 [AMENDED]
- 340:25-5-351 [AMENDED]

(Reference WF 19-25)

SUMMARY:

The proposed amendments to Subchapters 1 and 5 of Chapter 25: (1) align provisions in Senate Bill 979 (SB 979) from the 2nd Session of the 56th Legislature that amended Section 118F of Title 43 (43 O.S. § 118F) to comply with Section 303.31(b)(2) of Title 45 of the Code of Federal Regulations (45 C.F.R. § 303.31(b)(2)) that mandates Child Support Services (CSS) include government medical assistance, such as SoonerCare (Medicaid), as qualifying health care coverage; (2) implement policy changes recommended during the annual CSS policy review process; (3) amend legal authority as necessary; (4) make changes to meet compliance with federal law changes effective October 1, 2018; and (5) make non-substantive cleanup to improve rule clarity.

AUTHORITY:

Department of Human Services; 56 O.S. § 162; Public Law 115-123; Sections 1681b & 1681f of Title 15 of the United States Code (15 U.S.C. §§ 1681b & 1681f); 28 U.S.C. § 1738B; 42 U.S.C., Chapter 7, Subchapter IV, Part D; 50 U.S.C. §§ 3901 through 4043; Chapter III of Subtitle B of Title 45 of the Code of Federal Regulations; 10 O.S. §§ 80, 83, 90.4, 90.5, and 7700-101 through 7800; 12 O.S. §§ 1031, 1031.1, 1038, 1170, 1171.2 through 1171.4, and 2004; 21 O.S. §§ 566 through 567 and 852; 36 O.S. § 6058A; 43 §§ 109.2 through 110, 112 through 112.1A, 114 through 120, 135 through 139.1, 410 through 413, and 601-100 through 601-903; 56 O.S. §§ 166.1, 171, 183, 185, 230.60, and 231 through 244; 63 O.S. §§ 1-311 through 1-311.3 and 1-321; and 68 O.S. § 205.2.

COMMENT PERIOD:

Written comments are accepted through February 14, 2019, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 26, 2019, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2019.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #18-828; filed 12-19-18]

Notices of Rulemaking Intent

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 50. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

[OAR Docket #18-829]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
340:50-1-1 [AMENDED]
 - Subchapter 3. Application Process
340:50-3-1 through 340:50-3-2 [AMENDED]
 - Subchapter 5. Non-Financial Eligibility Criteria
 - Part 1. Household Definition
340:50-5-10.1 [AMENDED]
 - Part 3. Special Households
340:50-5-28 [AMENDED]
 - Part 9. Work Registration
340:50-5-94 [AMENDED]
 - Part 11. ~~Oklahoma (OK) Supplemental Nutrition Assistance Program (SNAP) Employment and Training Program Works~~ [AMENDED]
340:50-5-106 [AMENDED]
 - Subchapter 7. Financial Eligibility Criteria
 - Part 3. Income
340:50-7-22 [AMENDED]
340:50-7-29 through 340:50-7-31 [AMENDED]
 - Part 5. Determination of Income
340:50-7-46 [AMENDED]
 - Subchapter 9. Eligibility and Benefit Determination Procedures
 - 340:50-9-1 [AMENDED]
340:50-9-5 [AMENDED]
 - Subchapter 10. Electronic Benefit Transfer (EBT)
 - 340:50-10-1 [AMENDED]
340:50-10-3 [AMENDED]
340:50-10-5 [AMENDED]
340:50-10-9 [AMENDED]
 - Subchapter 11. Special Procedures
 - Part 1. Households Entitled to Expedited Service
340:50-11-5 [AMENDED]
 - Part 3. Simplified Supplemental Nutrition Assistance Program (SSNAP) for Temporary Assistance for Needy Families (TANF) and Companion State Supplemental Payment (SSP) Recipient(s)
340:50-11-20 [AMENDED]
 - Part 5. Restoration of Lost Benefits
340:50-11-46 [AMENDED]
 - Part 9. Disaster Procedures and Reporting Requirements
340:50-11-86 [AMENDED]
 - Subchapter 13. Fair Hearings and Quality Control [AMENDED]
340:50-13-2 [AMENDED]
- (Reference WF 19-50)**

SUMMARY:

The proposed amendments to Chapter 50, Subchapter 1 amend the rules to: (1) add Oklahoma Department of Human Services (DHS) responsibilities for administration of SNAP; and (2) update terminology and add a legal citation.

The proposed amendments to Chapter 50, Subchapter 3 amend the rules to: (1) clarify and update procedures used to assist applicants in filing a food benefit application on the date they request food benefits; (2) reorganize and add clarifying language regarding authorized representatives to better define who can be an authorized representative for a food benefit household, what actions he or she can perform for the household, and what restrictions may apply; (3) clarify application procedures when a household provides verification within 30-calendar days of a denial; (4) clarify that a postponed interview must be completed and postponed verification provided by the last day of the expedited certification period to avoid a break in service; (5) clarify when the household must complete a new application following a one- or two-month expedited certification; (6) add policy and legal citations; and (7) update terminology.

The proposed amendments to Chapter 50, Subchapter 5 amend the rules to: (1) remove information regarding how to handle income and expenses of excluded household members; (2) add failing to cooperate regarding unclear information to the reasons a person may be considered an ineligible household member; (3) remove an incorrect reason to end a voluntary quit disqualification; (4) change the title of the Supplemental Nutrition Assistance Program (SNAP) Employment and Training Program to OK SNAP Works; (5) add two new components to OK SNAP Works; (6) correct a policy citation; and (7) add a policy citation.

The proposed amendments to Chapter 50, Subchapter 7 amend the rules to: (1) exclude military combat pay from income consideration; (2) update legal citations for Title III and Title V funds excluded under the Older Americans Act and the organizations that receive the funds; (3) add salary income received by a shareholder from an S corporation as earned income; (4) clarify that income received by a third party is considered as income to the person to whom it is legally owed; (5) add profit sharing as unearned income; (6) add failing to cooperate regarding unclear information to the reasons a person may be considered an ineligible household member for income consideration; (7) update profit sharing under self-employment income to indicate how to consider profit sharing for shareholders in S corporations and partners in partnerships; (8) clarify how to consider farm income when there is a profit; (9) clarify that activity fees and transportation costs may be included as part of a dependent care deduction; (10) correct when to consider cents as countable State Supplemental Income (SSI); and (11) add legal and policy citations.

The proposed amendments to Chapter 50, Subchapter 9 amend the rules to: (1) add a three- or four-month certification period for households that include an able-bodied adult without dependents (ABAWD) who is not exempt or meeting

the work requirement; (2) change reporting timeframes for annual, semi-annual, and change reporting households; (3) add failing to meet work registration requirements as a reason benefits may be changed between reporting periods for semi-annual reporters; (4) change the unearned income reporting requirement and add a requirement to report when an ABAWD's work hours fall below 20 hours per week for change reporting households; (5) define what is considered unclear information, add new household and Adult and Family Services (AFS) staff responsibilities for clarifying the household's circumstances, and add required actions AFS staff must take regarding the unclear information; (6) require AFS staff reopen or restore food benefits to the previous level pending a fair hearing requested within the 10-calendar day time frame unless the household waives continuation of benefits; and (7) add legal citations.

The proposed amendments to Chapter 50, Subchapter 10 amend the rules to: (1) add the name of the SNAP electronic benefit transfer (EBT) card; (2) clarify how SNAP recipients receive and use food benefits; (3) clarify authorized representative information; (4) add information about how clients and authorized representatives obtain EBT cards; (5) add information regarding what is considered an initial EBT card; (6) change: (a) how to request an EBT replacement card; (b) EBT card replacement procedures from the county office to the EBT contractor or the Oklahoma Department of Human Services (DHS) Finance and Administration Electronic Payment Services Unit; and (c) the length of time it takes to deliver an EBT replacement card; (7) update terminology; and (8) add a policy citation.

The proposed amendments to Chapter 50, Subchapter 11 amend the rules to: (1) remove unnecessary language regarding work registration; (2) change the form used to schedule a postponed interview; (3) clarify that a postponed interview must be completed and postponed verification provided by the last day of the expedited certification period to avoid a break in service; (4) clarify when the household must complete a new application following a one- or two-month expedited certification and when normal processing standards must be used; (5) add information that Simplified Supplemental Nutrition Assistance Program (SSNAP) procedures do not apply when any household member is considered an ineligible household member; (6) remove duplicative information; (7) reorganize, simplify, and clarify information regarding restoration of lost benefits procedures; (8) remove outdated information regarding the use of a handbook and the issuance amount of emergency food benefit allotments; (9) add policy and legal citations; and (10) update terminology.

The proposed amendments to Chapter 50, Subchapter 13 amend the rules to: (1) update DHS staff procedures when a client requests a fair hearing; (2) add hearing procedure for

when the client plans to move to another state; (3) require AFS staff to reopen or restore food benefits to the previous level pending a fair hearing when requested within the 10-calendar day time frame unless the household waives continuation of benefits; (4) add reasons benefits may be reduced or closed prior to a hearing decision being made; (5) clarify and simplify language; (6) update terminology; and (7) add legal citations.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; and Sections 271.4, 272.13, 272.14, 273.1, 273.2, 273.7, 273.9, 273.11, 273.12, 273.15, and 273.17 of the Code of Federal Regulations.

COMMENT PERIOD:

Written comments are accepted through February 14, 2019, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 26, 2019, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2019.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #18-829; filed 12-19-18]

Notices of Rulemaking Intent

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 65. PUBLIC ASSISTANCE PROCEDURES

[OAR Docket #18-830]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

340:65-1-2 [AMENDED]

Subchapter 3. Eligibility for Benefits

340:65-3-2 [AMENDED]

340:65-3-6 [AMENDED]

(Reference WF 19-65)

SUMMARY:

The proposed amendments to Chapter 65, Subchapter 1 amend the rules to: (1) clarify county director or field manager responsibilities for safeguarding client case information; (2) reorder information regarding safeguarding of federal tax information (FTI); (3) add specifics regarding the FTI that must be safeguarded; (4) restrict access to FTI only to designated Adult and Family Services (AFS) FTI specialists who complete a security background investigation; (5) add steps that must be included in the background investigation; (6) define what could cause an employee to lose access to FTI and the penalties for improperly disclosing FTI; (7) clarify and simplify language regarding when AFS may release information to the client and other government entities; and (8) update terminology and legal and policy citations.

The proposed amendments to Chapter 65, Subchapter 3 amend the rules to: (1) update: (a) the definition for the Child Care Subsidy application date; (b) the OKDHS LIVE phone number; (c) how a recipient sets up direct deposit and transfers funds into a bank account; (d) the procedure used by the contractor when funds cannot be transferred to direct deposit because the recipient provided incorrect banking information; and (e) terminology; and (2) add information regarding companion debit cards and ways the recipient may transfer funds to a companion debit card.

AUTHORITY:

Director of Human Services; and Sections 162 of Title 56 of the Oklahoma Statutes, Sections 6103 and 7213 of Title 26 of the United States Code, and IRS Publication 1075.

COMMENT PERIOD:

Written comments are accepted through February 14, 2019, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 26, 2019, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a

maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2019.

COPIES OF PROPOSED RULES:

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RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #18-830; filed 12-19-18]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 75. CHILD WELFARE SERVICES

[OAR Docket #18-831]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions of Child Welfare Services

Part 1. Scope and Applicability

340:75-1-16.1 [AMENDED]

Subchapter 3. Child Protective Services

Part 1. Purpose, Definitions, and Child Abuse and Neglect

Hotline Protocol

340:75-3-140 [AMENDED]

Part 4. Specialized Investigative Protocols, Child Death or

Near-Death Reporting Protocols

340:75-3-410 [AMENDED]

340:75-3-460 [AMENDED]

Part 5. Investigative Findings and Appeals

340:75-3-530 [AMENDED]

Subchapter 6. Permanency Planning

Part 5. Permanency Planning Services

340:75-6-31 through 340:75-6-31.1 [AMENDED]

Part 8. Child Welfare Specialist Role

- 340:75-6-50 [AMENDED]
- Part 11. Permanency Planning and Placement Services
- 340:75-6-88 [REVOKED]
- Subchapter 7. Foster Home Care
- Part 2. Development of Resource Families
- 340:75-7-15 [AMENDED]
- Part 4. Roles and Responsibilities
- 340:75-7-37 [AMENDED]
- Part 8. Resource Home Continuous Quality Assessment
- 340:75-7-94 [AMENDED]
- Subchapter 8. Therapeutic Foster Care and Developmental Disabilities Services
- Part 1. Therapeutic Foster Care
- 340:75-8-6 [AMENDED]
- 340:75-8-12 [AMENDED]
- Subchapter 11. Child Welfare Community-Based Residential Care
- Part 17. Contracted Community-Based Residential Care Providers
- 340:75-11-240 [AMENDED]
- Subchapter 12. OKDHS Operated Group Homes [REVOKED]
- 340:75-12-1 through 340:75-12-16 [REVOKED]
- Subchapter 13. Other Child Welfare Services and Medical Services for Children in Out-of-Home Care
- Part 7. Medical Services
- 340:75-13-61 [AMENDED]
- Subchapter 14. Well-Being [NEW]
- 340:75-14-1 [NEW]
- 340:75-14-3 [NEW]
- Subchapter 15. Adoptions
- Part 10. Family Assessment and Preparation Process
- 340:75-15-84.1 [AMENDED]
- 340:75-15-89 [AMENDED]

(Reference WF 19-75)

SUMMARY:

The proposed amendments to Chapter 75 Subchapter 1 amend the rules to include foster parent notification rights.

The proposed amendments to Chapter 75 Subchapter 3 amend child protective services rules to delete redundant language and a reference to an internal committee no longer in operation.

The proposed amendments to Chapter 75 Subchapter 6 amend child permanency planning rules to: (1) clarify permanency plan preferences; (2) revise policy on family team meeting; (3) update education guidance following passage of the federal Every Students Succeeds Act, Section 6312 of Title 20 of the United States Code (20 U.S.C. § 6312); and (4) move the medical services for a child section to a subchapter created for children's well-being.

The proposed amendments to Chapter 75 Subchapter 7 amend foster care rules to: (1) reference medical services for a child by the new administrative code number; (2) make changes to resource provider annual reviews; and (3) update military service personnel background information search requirements.

The proposed amendments to Chapter 75 Subchapter 8 amend therapeutic foster care rules to reference medical services for a child by the new administrative code number.

The proposed amendments to Chapter 75 Subchapter 11 amend community-based residential care rules to reference medical services for a child by the new administrative code number.

The proposed amendments to Chapter 75 Subchapter 12 revoke the subchapter on Oklahoma Department of Human Services (DHS)-operated group homes that DHS no longer operates.

The proposed amendment to Chapter 75 Subchapter 13 amends the rule to reference medical services for a child by the new administrative code number.

The proposed creation of Chapter 75 Subchapter 14 establishes guidance on caring for the well-being of a child in DHS custody.

The proposed amendments to Chapter 75 Subchapter 15 amend adoption rules to update military service personnel background information search requirements and revise the frequency of updating resource family assessments.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162).

Chapter 75 Subchapter 1: 10A O.S. §§ 1-4-807 and 1-9-119.

Chapter 75 Subchapter 3: 10A O.S. §§ 1-1-105, 1-2-102, 1-2-109, 1-4-102, 1-4-203, 1-4-205, and 1-6-105; 21 O.S. § 748.2; 22 O.S. §§ 20 and 60.14; and 30 O.S. § 2-101.

Chapter 75 Subchapter 6: 10A O.S. §§ 1-1-102, 1-4-704, 1-4-706, 1-4-707, 1-4-709, 1-4-809, 1-4-811, 1-6-101, 1-7-103, and 1-7-105; Oklahoma School Code Title 70 O.S.; Education of All Handicapped Children Act; 20 U.S.C. §§ 1400-1461; and 20 U.S.C. § 6312.

Chapter 75 Subchapter 7: 10A O.S. §§ 1-7-111, 1-7-115, 1-9-106, 1-9-118, and 1-9-119; 21 O.S. § 692; 57 O.S. § 582; and 18 U.S. § 16.

Chapter 75 Subchapter 8: 10A O.S. §§ 1-2-101, 1-3-102, 1-6-102, 1-7-105, and 1-9-119.

Chapter 75 Subchapter 11: 10A O.S. §§ 1-2-101, 1-3-102, 1-6-107, and 1-7-105; and 70 O.S. § 1-113.

Chapter 75 Subchapter 12: 10 O.S. §§ 7003-7.1, 7004-1.1A, and 7004-3.3.

Chapter 75 Subchapter 13: 10A O.S. § 1-7-103.

Chapter 75 Subchapter 14: 10A O.S. §§ 1-1-105, 1-3-102, 1-7-103, and 1-9-107.

Chapter 75 Subchapter 15: 10 O.S. § 7505.5.3 and 7505-6.3; 10A O.S. § 1-7-111; and 57 O.S. § 582.

COMMENT PERIOD:

Written comments are accepted through February 14, 2019, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 26, 2019, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2019.

COPIES OF PROPOSED RULES:

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RULE IMPACT STATEMENT:

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CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #18-831; filed 12-19-18]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 100. DEVELOPMENTAL DISABILITIES SERVICES

[OAR Docket #18-832]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Administration

Part 1. General Administration

340:100-3-5 through 340:100-3-5.1 [AMENDED]

340:100-3-5.2 [AMENDED]

Part 3. Administration

340:100-3-40 [AMENDED]

Subchapter 17. Employment Services

Part 3. State-Funded Employment (Sheltered Workshop) Services

340:100-17-16 [AMENDED]

Part 5. Other State-Funded Employment Services

340:100-17-30 [REVOKED]

Subchapter 18. Licensing

340:100-18-1 [AMENDED]

(Reference WF 19-100)

SUMMARY:

The proposed amendments to Chapter 100, Subchapters 3, 17, and 18 amend the rules to implement changes recommended during the annual Developmental Disabilities Services (DDS) rule review process.

AUTHORITY:

Director of Human Services; 56 O.S. § 162; O.S. 59 § 4100.1; O.S. 30 §§ 3-102, 3-103, 3-119, and 4-104; O.S. 10 § 1415; and O.S. 56 § 228; and Sections 441.301 and 441.302 of Title 42 of the Code of Federal Regulations.

COMMENT PERIOD:

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Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #18-832; filed 12-19-18]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 110. LICENSING SERVICES**

[OAR Docket #18-833]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- Part 1. Licensing Services - Child Care
- 340:110-1-8 [AMENDED]
- 340:110-1-9.3 [AMENDED]
- Part 3. Licensing Services - Residential Care and Agencies
- 340:110-1-46 [AMENDED]
- 340:110-1-47.2 [AMENDED]
- (Reference WF 19-110A)**

SUMMARY:

The proposed amendments to Chapter 110, Subchapter 1, Part 1 and Part 3 amend Child Care Services (CCS) procedures for license issuance and non-compliance with requirements. Licensed child care programs impacted by the proposed amendments include: (1) family child care homes; (2) child care centers; (3) day-camps; (4) drop-in programs; (5) out-of-school time programs; (6) part-day programs; (7) programs for sick children; (8) residential child care facilities; and (9) child-placing agencies.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 10 O.S. § 404, the Oklahoma Child Care Facilities Licensing Act.

COMMENT PERIOD:

Written comments are accepted through February 14, 2019, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 26, 2019, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2019.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #18-833; filed 12-19-18]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 110. LICENSING SERVICES**

[OAR Docket #18-834]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- Part 1. Licensing Services - Child Care
- 340:110-1-5 [AMENDED]
- 340:110-1-8.3 [AMENDED]
- 340:110-1-8.6 [AMENDED]
- 340:110-1-9 [AMENDED]
- 340:110-1-15 [AMENDED]
- 340:110-1-17 [AMENDED]
- Part 3. Licensing Services-Residential Care and Agencies
- 340:110-1-54 [AMENDED]
- Subchapter 3. Licensing Standards for Child Care Facilities
- Part 15. Requirements for Child Care Centers, Day Camps, Drop-In Programs, Out-of-School Time Programs, Part-Day Programs and Programs for Sick Children
- 340:110-3-281.3 [AMENDED]
- 340:110-3-284.2 [AMENDED]
- Subchapter 5. Requirements for Child-Placing Agencies
- Part 3. Requirements for Adoption Agencies
- 340:110-5-30 [AMENDED]
- Part 5. Requirements for Foster Home Agencies
- 340:110-5-59 [AMENDED]
- 340:110-5-61.1 [AMENDED]
- (Reference WF 18-15)**

SUMMARY:

The passage of SB 907 amended the Oklahoma Child Care Facilities Licensing Act, Section 403 of Title 10 of the Oklahoma Statutes (10 O.S. § 403). Statutory amendments provide licensing exemptions for: (1) accredited or non-profit affiliated summer or after-school programs; and (2) facilities operating for less than 10 weeks annually.

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The passage of HB 2524 amended the Oklahoma Child Care Facilities Licensing Act, 10 O.S. § 406. Statutory amendments establish an anonymous system for reporting and investigating retaliation complaints or grievances by a facility against Oklahoma Department of Human Services (DHS) employees.

The passage of HB 2691 amended the Oklahoma Child Care Facilities Licensing Act, 10 O.S. § 404. Statutory amendments require the Child Care Advisory Committee (CCAC) to designate two members to serve on the Child Care Services (CCS) Quality Rating and Improvement System (QRIS) administrative review panel.

The passage of HB 2692 amended the Oklahoma Child Care Facilities Licensing Act, 10 O.S. § 405.4. Statutory amendments provide for a two-year probationary period for master teachers to fulfill educational qualifications.

The proposed revisions to Chapter 110, Subchapter 1, Part 1 amend CCS policy to align with legislative mandates of SB 907 and HB 2524, 2691, and 2692 providing procedures for: (1) additional licensing exemptions for summer and after-school programs; (2) procedures for investigating complaints of retaliation or grievances by a facility against DHS employees; (3) two members of CCAC to serve on QRIS administrative review panel; and (4) providing a two-year probationary period for master teachers to fulfill educational qualifications. Licensed child care programs impacted by the proposed amendments include: (1) family child care homes; (2) child care centers; (3) day-camps; (4) drop-in programs; (5) out-of-school time programs; (6) part-day programs; and (7) programs for sick children.

The proposed revisions to Chapter 110, Subchapter 1, Part 3 amend CCS residential and child-placing policies aligning with HB 2524 legislative mandates providing procedures for investigating retaliation complaints or grievances by a facility against DHS employees. Licensed programs impacted by the proposed amendments include residential child care programs and child-placing agencies.

The proposed revisions to Chapter 110, Subchapter 3, Part 15 amend CCS licensing requirements for: (1) child care centers; (2) day-camps; (3) drop-in programs; (4) out-of-school time programs; (5) part-day programs; and (6) programs for sick children aligning with HB 2692 for a two-year probationary period for master teachers to fulfill educational qualifications. Licensed child care programs impacted by the proposed amendments include: (1) child care centers; (2) day-camps; (3) drop-in programs; (4) out-of-school time programs; (5) part-day programs; and (6) programs for sick children.

The proposed revisions to Chapter 110, Subchapter 5, Part 9 amend CCS child-placing agency licensing requirements to reflect: (1) CWS policy for alternate care arrangements and number of foster children placed in a foster home; and (2) ICPC adoptive family assessment requirements. Licensed child care programs impacted by the proposed amendments include child-placing agencies.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 10 O.S. §§ 403, 404, 405.4, and 406 of the Oklahoma Child Care Facilities Licensing Act.

COMMENT PERIOD:

Written comments are accepted through February 14, 2019, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 26, 2019, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2019.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #18-834; filed 12-19-18]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #18-791]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made. All legislative references are to the Second Regular Session of the 56th Legislature (2018) unless otherwise indicated.

Section 710:1-3-80 has been amended to clarify existing policy regarding procedures for partial release of a tax warrant or lien. [68:214]

New Section 710:1-5-14.1 has been added to clarify the Tax Commission's statutory authority to pursue criminal prosecution in appropriate cases. [68:105]

Sections 710:1-5-86 and 710:1-5-88 have been amended consistent with the passage of HB 3156 which increased the effective minimum amounts necessary for district court approval of an agreement entered into between a taxpayer and the Commission to settle or compromise any controversy relating to taxes collectible by the Commission. [68:219,219.1]

Sections 710:1-3-71, 710:1-3-72 and 710:65-1-5-89 have been amended, along with other sections which may be amended, to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update or correct citations, and ensure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. §§ 203, 219.1

COMMENT PERIOD:

Persons wishing to make written comments may do so by 4:30 p.m., February 18, 2019, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 9:30 a.m. on Tuesday, February 19, 2019 at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4th floor. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review from the same source listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Telephone number: 405-521-3133; Email: lhaws@tax.ok.gov

[OAR Docket #18-791; filed 12-19-18]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 10. AD VALOREM**

[OAR Docket #18-792]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. AD Valorem [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Ad Valorem rules have been made.

Section 710:10-3-36 of Subchapter 3 *Equalization Study* has been amended to bolster the accuracy of the sales edit portion of the equalization study by expanding the period of time for completion of the county sales edits and corresponding review thereof by the Ad Valorem Division. [68:2865]

Sections 710:10-11-1, 710:10-11-2 and 710:10-11-13 of Subchapter 11 *Reimbursements and Assistance to Counties* have been revoked due to outdated language relating to a program which no longer exists to assist counties in upgrading

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hardware and software to meet the criteria outlined in the Standards for Computer-Assisted Mass Appraisal.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

68 O.S. §§ 203 & 2825; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written comments may do so by 4:30 p.m., February 18, 2019, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 1:30 p.m. on Tuesday, February 19, 2019 at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4th floor. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be reviewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review from the same source listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Telephone number: 405-521-3133; Email: lhaws@tax.ok.gov

[OAR Docket #18-792; filed 12-19-18]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 15. AIRCRAFT

[OAR Docket #18-793]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Aircraft [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made.

Sections 710:15-2-7, 710:15-2-8 and 710:15-3-30 have been amended, along with other sections which may be amended, to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 3 O.S. § 257; 68 O.S. § 203

COMMENT PERIOD:

Persons wishing to make written comments may do so by 4:30 p.m., February 18, 2019, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 9:30 a.m. on Tuesday, February 19, 2019 at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4th floor. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building

must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review from the same source listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Telephone number: 405-521-3133; Email: lhaws@tax.ok.gov

[OAR Docket #18-793; filed 12-19-18]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 20. ALCOHOL AND MIXED BEVERAGES**

[OAR Docket #18-794]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. Alcohol and Mixed Beverages [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made.

Sections 710:20-1-2 and 710:20-3-2 have been amended to clarify tax remittance responsibilities for alcohol excise tax.

Sections 710:20-3-5 and 710:20-3-6 have been amended to update statutory citations.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203

COMMENT PERIOD:

Persons wishing to make written comments may do so by 4:30 p.m., February 18, 2019, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 1:30 p.m. on Tuesday, February 19, 2019 at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4th floor. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review from the same source

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listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Telephone number: 405-521-3133; Email: lhaws@tax.ok.gov

[OAR Docket #18-794; filed 12-19-18]

**TITLE 710. OKLAHOMA TAX
COMMISSION
CHAPTER 45. GROSS PRODUCTION**

[OAR Docket #18-795]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 45. Gross Production [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made.

Subchapter 9 "Exemptions and Exclusions" and Section 710:45-3-11 have been amended to implement the provisions of House Bill 2377 (56th Legislature, 1st Regular Session, 2017) which changed the sunset date for the qualification of various gross production tax incentive exemptions and permanently suspended the remaining term periods for such incentives. [68:1001, 1001.3a]

Sections 710:45-1-2, 710:45-3-3 and 710:45-3-4 have been amended along with other sections that may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

68 O.S. §§ 203; 1001(F); 1001.3a; and 1013; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written comments may do so by 4:30 p.m., February 18, 2019, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Tuesday, February 19, 2019 at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4th floor. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who

have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review from the same source listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Telephone number: 405-521-3133; Email: lhaws@tax.ok.gov

[OAR Docket #18-795; filed 12-19-18]

**TITLE 710. OKLAHOMA TAX
COMMISSION
CHAPTER 50. INCOME**

[OAR Docket #18-796]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 50. Income [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing rules have been made to implement recent legislation. All legislative references are to the Second Regular Session of the 56th Legislature (2018) unless otherwise indicated.

Section 710:50-3-53 has been amended to clarify existing policy that non-resident royalty interest owners who are pass-through entities shall allocate the non-resident royalty withholding to its partners, shareholders or members in the same manner as the royalty income. [68:2369]

Sections 710:50-15-50, 710:50-15-76 and 710:50-15-103 implement the provisions of legislative changes made by the Second Special Session of the 56th Legislature (HB1011xx, HB1034xx and HB1036xx), which capped itemized deductions, the coal income tax credit and the railroad income tax credit beginning with tax year 2018. [68:2357.11, 2357.104, 2358]

Section 710:50-15-106, an income tax credit for ethanol production, has been revoked because it was repealed effective January 1, 2014 and can no longer be claimed on an Oklahoma income tax return. [68:2357.66]

Section 710:50-15-107, an employer income tax credit for eligible wage and modification expenses for injured employees, has been revoked because it was repealed effective January 1, 2015 (eligible wage expense credit) and January 1, 2017 (modification expense credit) and can no longer be claimed on an Oklahoma income tax return. [68:2357.47]

New Section 710:50-15-116 has been added to implement the provisions of Senate Bill 1585 which creates an income tax credit for qualified employers and employees in the vehicle manufacturing industry. [68:2357.404]

Section 710:50-17-51 has been amended to clarify that foreign income deemed repatriated under IRC § 965 and global intangible low-taxed income included in taxpayer's federal taxable income under IRC § 951A will be considered dividend income for purposes of 68 O.S. § 2358(A)(4)(b).

Sections 710:50-3-55, 710:50-5-13, 710:50-12-7 and 710:50-15-83 have been amended along with other sections that may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

68 O.S. §§ 203, 2357.47, 2369; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written comments may do so by 4:30 p.m., February 18, 2019, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on Tuesday, February 19, 2019 at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4th floor. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review from the same source listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Telephone number: 405-521-3133; Email: lhaws@tax.ok.gov

[OAR Docket #18-796; filed 12-19-18]

Notices of Rulemaking Intent

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 60. MOTOR VEHICLES

[OAR Docket #18-802]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 60. Motor Vehicles [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made.

Subchapter 3 *Registration and Licensing* has been amended to implement the provisions of SB 1339 [2018] which amended the Oklahoma Vehicle License and Registration Act to provide for a system where upon change in vehicle ownership the license plate previously issued for said vehicle stays with the owner and not the vehicle. Subchapter 3 has also been amended to add to Section 710:60-3-184 the qualification requirements for the Gold Star Survivor/Surviving Spouse license plates.

Subchapter 5 *Motor Vehicle Titles* has been amended to clarify the documentation that controls the determination of actual sales price of a used vehicle for purposes of calculating the amount of excise/sales tax due on vehicle transfers. Subchapter 5 has also been amended to implement the provisions of HB 2950 [2018] which prohibits a scrap metal dealer purchasing a vehicle from providing payment until the certificate of ownership has been submitted to the Oklahoma Tax Commission or a motor license agent and the vehicle is determined not to be stolen

Subchapter 9 *Motor Vehicle License Agents/Agencies* has been amended to revise an incorrect rule reference in 710:60-9-120 and implement the provisions of HB 3278 [2018] and SB 1439 [2018] relating to motor license agencies.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

68 O.S. §203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written comments may do so by 4:30 p.m., February 18, 2019, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 3:00 p.m. on Tuesday, February 19, 2019 at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4th floor. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling

Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review from the same source listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Telephone number: 405-521-3133; Email: lhaws@tax.ok.gov

[OAR Docket #18-802; filed 12-19-18]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 65. SALES AND USE TAX

[OAR Docket #18-797]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 65. Sales and Use Tax [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made.

Sections 710:65-1-2 and 710:65-19-110 have been revised to update statutory citations consistent with the passage of Senate Bill 383 (2016) which created the Oklahoma Alcoholic Beverage Control Act.

Section 710:65-18-10 has been amended to correct and update the reference to the Tax Commission's website address.

Section 710:65-19-158 has been revoked as unnecessary and certain provisions thereof being in possible conflict with existing statutory provisions.

Section 710:65-19-191 has been amended to outline current Commission policy regarding the sales taxability of purchase and sales transactions by businesses engaged in the rental and/or laundering/cleaning of linens, apparel, diapers, mats/rugs or other items with the intent to withdraw any previous statements contrary to the ones outlined in this Section.

New Section 710:65-19-216 sets forth definitions, general permitting requirements and information regarding the computation of sales tax as applicable to the sale of medical marijuana. [68:1354]

Section 710:65-19-260 has been amended to clarify the sales tax treatment of sales of photographs and videos and associated services.

Section 710:65-19-365 has been amended to conform to the statutory definitions of "gross receipts", "gross proceeds" or "sales price". [68:1352]

Section 710:65-9-5 has been amended to correct a scrivener's error.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

68 O.S. §203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written comments may do so by 4:30 p.m., February 18, 2019, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 11:00 a.m. on Tuesday, February 19, 2019 at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4th floor. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review from the same source listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Telephone number: 405-521-3133; Email: lhaws@tax.ok.gov

[OAR Docket #18-797; filed 12-19-18]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 70. TOBACCO, TOBACCO PRODUCTS, AND CIGARETTES**

[OAR Docket #18-798]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 70. Tobacco, Tobacco Products, and Cigarettes
[AMENDED]

Notices of Rulemaking Intent

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made.

Sections 710:70-2-9, 710:70-5-12, 710:70-7-8 and 710:70-7-9 have been revoked as unnecessary due to the fact that differences in tribal and nontribal cigarette and tobacco products tax rates no longer exist.

Section 710:70-7-10 has been amended to remove an invalid mailing address.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. §§ 203 & 403.1

COMMENT PERIOD:

Persons wishing to make written comments may do so by 4:30 p.m., February 18, 2019, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 2:30 p.m. on Tuesday, February 19, 2019 at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4th floor. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review from the same source listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Telephone number: 405-521-3133; Email: lhaws@tax.ok.gov

[OAR Docket #18-798; filed 12-19-18]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 85. VARIOUS TAX INCENTIVES

[OAR Docket #18-799]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 85. Various Tax Incentives [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made.

Subchapter 3 *Saving Quality Jobs Program* has been revoked. Senate Bill 897 [Second Regular Session of the 56th Legislature, 2018], repealed the Saving Quality Jobs Act.

Section 710:85-7-3 has been amended to update a statutory citation and implement the provisions of House Bill 2344 [First Regular Session of the 56th Legislature, 2017], which amended the *Compete with Canada Film Act* by reducing the maximum annual fiscal year rebate from \$5 Million to \$4 Million effective for FY18. [68:3624]

Sections 710:85-1-10 and 710:85-9-2 have been amended, along with other sections which may be amended, to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203

COMMENT PERIOD:

Persons wishing to make written comments may do so by 4:30 p.m., February 18, 2019, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 9:30 a.m. on Tuesday, February 19, 2019 at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4th floor. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review from the same source listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Telephone number: 405-521-3133; Email: lhaws@tax.ok.gov

[OAR Docket #18-799; filed 12-19-18]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 90. WITHHOLDING**

[OAR Docket #18-800]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 90. Withholding [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made.

Sections 710:90-1-5, 710:90-1-6, 710:90-1-7, and 710:90-1-11 have been amended in response to the release of an updated W-4 by the Internal Revenue Service which reflects this year's revised tax rates and brackets.

Section 710:90-3-10 has been amended to clarify existing policy that non-resident royalty interest owners who are pass-through entities shall allocate the non-resident royalty withholding to its partners, shareholders or members in the same manner as the royalty income. [68:2369]

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

68 O.S. §§ 203, 2369, 2385.9, and 2385.15; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written comments may do so by 4:30 p.m., February 18, 2019, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on Tuesday, February 19, 2019 at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4th floor. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification.

Notices of Rulemaking Intent

A name badge and floor access card will be issued once registration is completed.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review from the same source listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Telephone number: 405-521-3133; Email: lhaws@tax.ok.gov

[OAR Docket #18-800; filed 12-19-18]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 95. MISCELLANEOUS AREAS OF REGULATORY AND ADMINISTRATIVE AUTHORITY

[OAR Docket #18-801]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 95. Miscellaneous Areas of Regulatory and Administrative Authority [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made.

Subchapter 21 *Quality Events* has been amended to reflect the changes made to the Quality Event Incentive Act, 68 O.S. §§ 4301 et seq., pursuant to the adoption by the Oklahoma Legislature of SB 1252 [2018] effective July 1, 2018 which modifies the qualification procedures for quality event recognition along with the determination of incremental sales tax occurring as a result of an event.

Sections 710:95-9-3 and 710:95-11-3 have been amended, along with other sections which may be amended to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. §§ 203 & 4309

COMMENT PERIOD:

Persons wishing to make written comments may do so by 4:30 p.m., February 18, 2019, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 11:00 a.m. on Tuesday, February 19, 2019 at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4th floor. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review from the same source

listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Telephone number: 405-521-3133; Email: lhaws@tax.ok.gov

[OAR Docket #18-801; filed 12-19-18]

**TITLE 715. TEACHERS' RETIREMENT SYSTEM
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #18-786]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 715:1-1-1. Purpose [AMENDED]
- 715:1-1-10. Grievances and complaints [AMENDED]
- 715:1-1-13. Change of address, name or district [AMENDED]
- 715:1-1-19. Appointment of non-voting Trustee [AMENDED]

SUMMARY:

715:1-1-1 is being amended to make consistent the reference to "TRS" throughout the remainder of the rules.

715:1-1-10 is being amended per 2017 legislation to reflect a quorum (eight votes) is necessary to approve any motion, resolution or order under consideration on a grievance appeal and to correct typos and make consistent the reference to "TRS."

715:1-1-13 is being amended to remove reference to a TRS form number that no longer exists.

715:1-1-19 is being amended to per 2017 legislation to reflect the Board is now composed of fourteen voting members and to remove out of date language regarding the initial appointment of the nonvoting member.

AUTHORITY:

70 O.S. Section 17-101, et seq., especially Section 17-106(10); Board of Trustees.

COMMENT PERIOD:

Written comments may be made from January 16, 2019, through February 15, 2019, filed and available for inspection in the Office of the Executive Director, Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma, from 8:30 a.m. until 5:00 p.m., Monday through Friday, excluding holidays, or by mailing same to the Executive Director, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held from 9:00 a.m. to 10:00 a.m. on February 19, 2019, at the offices of the Teachers' Retirement System, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, OK. Written notice of intent to make oral comments is encouraged. Individuals who file a written notice to comment will be scheduled to speak before comments are accepted from the audience. Written notice may be filed with the Executive Director, Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, OK 73105, until 5:00 p.m. on February 12, 2019.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review from the Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, and also will be available on the TRS website (www.ok.gov/TRS).

RULE IMPACT STATEMENT:

The Teachers' Retirement System will issue a rule impact statement. Copies of the statement will be available on the TRS website (www.ok.gov/TRS) or may be obtained from the Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, beginning December 13, 2018, between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

CONTACT PERSON:

Phyllis Bennett, Rules Liaison (405) 521-4745.

[OAR Docket #18-786; filed 12-13-18]

**TITLE 715. TEACHERS' RETIREMENT SYSTEM
CHAPTER 10. GENERAL OPERATIONS**

[OAR Docket #18-787]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Service Eligibility
 - 715:10-3-1. Requirements for creditable service [AMENDED]
- Subchapter 5. Establishing Other Service Credits
 - 715:10-5-4. Cost to purchase Oklahoma service [AMENDED]
 - 715:10-5-9. Re-establishing withdrawn service [AMENDED]
 - 715:10-5-15. Application for military services [AMENDED]

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715:10-5-25. Application for out-of-state service [AMENDED]

715:10-5-35. Employer pick-up for purchase of service credit [AMENDED]

715:10-5-37. Incentive service credit [NEW]

Subchapter 9. Survivor Benefits

715:10-9-1. Return of contributions when death occurs before retirement [AMENDED]

715:10-9-2. Death benefit when death occurs before retirement [NEW]

715:10-9-6. Probate waivers [AMENDED]

715:10-9-8. Beneficiary designations for death benefit [NEW]

Subchapter 11. Withdrawal from Membership and Refund of Deposits

715:10-11-1. Withdrawal from membership by an eligible person [AMENDED]

715:10-11-7. Rollovers from ~~OTRS~~TRRS to other eligible retirement plans [AMENDED]

Subchapter 13. Contributions for Membership Service

715:10-13-3. Employee contribution rates [AMENDED]

715:10-13-13. Contributions while receiving payments from Workers' Compensation [AMENDED]

Subchapter 15. Service Retirement

715:10-15-5. Date of retirement contract is binding; revocation of contract [AMENDED]

715:10-15-7.2. Retirement formula for members retiring under provisions of the Education Employees Service Incentive Plan ("EESIP") [AMENDED]

715:10-15-10.1. "Pop-up" of Option 2 or Options 3 Retirement Plans [AMENDED]

715:10-15-11. Designation of beneficiaries or joint annuitant for retirement options [AMENDED]

715:10-15-15. Disability retirement; application; effective date [AMENDED]

715:10-15-16. Review by Medical Board [AMENDED]

Subchapter 17. Post-Retirement Employment

715:10-17-13. Election to return to qualifying employment [AMENDED]

Subchapter 25. Qualified Domestic Order

715:10-25-2. Filing a qualified domestic order [AMENDED]

SUMMARY:

715:10-3-1 is being amended to more accurately calculate service credit for both full-time and part-time employees and to make references to "TRS" consistent throughout the rules.

715:10-5-4 is being amended to remove out-of-date language addressing the actuarially assumed interest rate for the purchase of service credit.

715:10-5-9 is being amended to make references to "TRS" consistent throughout the rules and to clarify procedure for re-establishing withdrawn accounts.

715:10-5-15 is being amended to clarify the documentation necessary to establish credit for military service.

715:10-5-25 is being amended to clarify the documentation necessary to establish credit for out-of-state service.

715:10-5-35 is being amended to reflect that TRS, not the Board, is responsible for establishing procedures for employer pick-up of purchase of service credit and to make references to "TRS" consistent throughout the rules.

715:10-5-37 [NEW] is being added to implement processes for the purchase of up to two years of incentive credit for employees of participating institutions within The Oklahoma State System of Higher Education as an amendment to 70 O.S. § 17-116.2B passed during the 2018 legislative session (SB 527).

715:10-9-1 is being amended to clarify the beneficiary designation must be on file with TRS prior to the member's death to be given effect and to reflect the current interest rate adopted by the Board for withdrawn accounts pursuant to 70 O.S. § 17-105.

715:10-9-2 is being reinstated following erroneously being revoked in 2012. This rule defines active "in-service" membership for qualification of the statutory \$18,000 death benefit for non-retired members.

715:10-9-6 is being amended to reflect the statutory change in the maximum amount for a probate waiver from \$5,000 to \$25,000 in 70 O.S. § 17-105(13).

715:10-9-8 is being added to clarify when a beneficiary designation may be changed by the member.

715:10-11-1 is being amended to reflect the current interest rate adopted by the Board for withdrawn accounts pursuant to 70 O.S. § 17-105 and to remove language regarding payment of interest that is duplicative with the statute.

715:10-11-7 is being amended to distinguish between a beneficiary and a joint annuitant.

715:10-13-3 is being amended to remove language regarding the specific amount of contributions credit that is duplicative with the corresponding statute, 70 O.S. § 17-108.2.

715:10-13-13 is being amended to remove out-of-date language addressing the actuarially assumed earnings rate for contributions while receiving payments from workers' compensation.

715:10-15-5 is being amended to distinguish between a beneficiary and a joint annuitant.

715:10-15-7.2 is being amended to implement changes to the Education Employees Service Incentive Plan ("EESIP") passed during the 2018 legislative session (HB 2553) to clarify that only years of employment worked beyond normal retirement age and while working for a participating remitting entity are used to wear away capped service.

715:10-15-10.1 is being amended to distinguish between a beneficiary and a joint annuitant.

715:10-15-11 is being amended to distinguish between a beneficiary and a joint annuitant.

715:10-15-15 is being amended to implement changes to disability retirement in 70 O.S. § 17-105 (5) passed during the 2018 legislative session (HB 2553) to reflect the Medical Board, rather than the Board of Trustees, may approve disability retirement.

715:10-15-16 is being amended to implement changes to disability retirement in 70 O.S. § 17-105 (5) passed

during the 2018 legislative session (HB 2553) to reflect the appeals process if the Medical Board denies an application for disability retirement.

715:10-17-13 is being amended to make references to "TRS" consistent throughout the rules.

715:10-25-2 is being amended to make references to "TRS" consistent throughout the rules and remove reference to a form that is no longer in use.

AUTHORITY:

70 O.S. Section 17-101, et seq., especially Section 17-106(10); Board of Trustees

COMMENT PERIOD:

Written comments may be made from January 16, 2019, through February 15, 2019, filed and available for inspection in the Office of the Executive Director, Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma, from 8:30 a.m. until 5:00 p.m., Monday through Friday, excluding holidays, or by mailing same to the Executive Director, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held from 9:00 a.m. to 10:00 a.m. on February 19, 2019, at the offices of the Teachers' Retirement System, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma. Written notice of intent to make oral comments is encouraged. Individuals who file a written notice to comment will be scheduled to speak before comments are accepted from the audience. Written notice may be filed with the Executive Director, Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, until 5:00 p.m. on February 12, 2019.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review from the Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, and also will be available on the TRS website (www.ok.gov/TRS).

RULE IMPACT STATEMENT:

The Teachers' Retirement System will issue a rule impact statement. Copies of the statement will be available on the TRS website (www.ok.gov/TRS) or may be obtained from the Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, beginning December 13, 2018, between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

CONTACT PERSON:

Phyllis Bennett, Rules Liaison (405) 521-4745.

[OAR Docket #18-787; filed 12-13-18]

**TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION
CHAPTER 1. GENERAL INFORMATION**

[OAR Docket #18-842]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

810:1-1-2 [AMENDED]

810:1-1-3 [AMENDED]

SUMMARY:

The proposed rules pertain to the Legislature's enactment of SB1249 (2018), which repealed the Certificate of Noncoverage and created the Affidavit of Exempt Status. The proposed rule amendments define "Affidavit of Exempt Status" and remove references to the repealed Certificate of Noncoverage. The proposed rules also amend the definition of "Mandatory EDI Implementation Date" to reflect that mandatory implementation of the Commission's Electronic Database Interchange System began on September 1, 2018.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 19, 22, 36, 101.

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019, to Sarah Greenwalt at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 2:30 p.m. on Friday, March 1, 2019 in Commission Chambers on the 2nd floor of the Denver N. Davison Building, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma. Interested parties must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sarah Greenwalt at the above address on or before February 15, 2019.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 30, 2019.

Notices of Rulemaking Intent

CONTACT PERSON:

Lindsey Christopher, Appellate Counsel, 918-295-3731, lindsey.christopher@wcc.ok.gov or Sarah Greenwalt, General Counsel, 405-522-8784, sarah.greenwalt@wcc.ok.gov.

[OAR Docket #18-842; filed 12-21-18]

TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION CHAPTER 10. PRACTICE AND PROCEDURE

[OAR Docket #18-841]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

810:10-1-3 [AMENDED]

810:10-1-5 [AMENDED]

810:10-1-6 [AMENDED]

810:10-1-10 [AMENDED]

Subchapter 5. Hearings Conducted by Administrative Law Judges and Commissioners

Part 9. Post Order Relief

810:10-5-66 [AMENDED]

Part 17. Fees

810:10-5-105 [AMENDED]

SUMMARY:

The proposed revisions include amendments to create a process for the termination of temporary total disability compensation without a Commission order; provide for the electronic submission of the Attorney Mailing and Email Address Change Form via the Commission's website; amend the filing requirements for Requests for Review and written arguments; and establish a filing fee of fifty dollars (\$50.00) for Affidavits of Exempt Status in accordance with 85A O.S. §36(D).

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 19, 22, 36.

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019, to Sarah Greenwalt at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 2:30 p.m. on Friday, March 1, 2019 in Commission Chambers on the 2nd floor of the Denver N. Davison Building, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma. Interested parties must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar

amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sarah Greenwalt at the above address on or before February 15, 2019.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 30, 2019.

CONTACT PERSON:

Lindsey Christopher, Appellate Counsel, 918-295-3731, lindsey.christopher@wcc.ok.gov or Sarah Greenwalt, General Counsel, 405-522-8784, sarah.greenwalt@wcc.ok.gov.

[OAR Docket #18-841; filed 12-21-18]

TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION CHAPTER 25. WORKERS' COMPENSATION INSURANCE AND SELF INSURANCE

[OAR Docket #18-843]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

810:25-1-1 [AMENDED]

810:25-1-2 [AMENDED]

810:25-1-3 [AMENDED]

Subchapter 5. Documentation of Exempt Status

810:25-5-1 [AMENDED]

810:25-5-3 [AMENDED]

SUMMARY:

The proposed rules pertain to the Legislature's enactment of SB1249 (2018), which repealed the Certificate of Noncoverage and created the Affidavit of Exempt Status. The proposed revisions also amend the procedures for proceedings to review permitting actions taken by the Permitting Services Division.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. § 19, 22, 36.

COMMENT PERIOD:

Persons may submit written comments through February 15, 2019, to Sarah Greenwalt at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 2:30 p.m. on Friday, March 1, 2019 in Commission Chambers on the 2nd floor of the Denver N. Davison Building, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma. Interested parties must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sarah Greenwalt at the above address on or before February 15, 2019.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite

231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 30, 2019.

CONTACT PERSON:

Lindsey Christopher, Appellate Counsel, 918-295-3731, lindsey.christopher@wcc.ok.gov or Sarah Greenwalt, General Counsel, 405-522-8784, sarah.greenwalt@wcc.ok.gov.

[OAR Docket #18-843; filed 12-21-18]

Submissions to Governor and Legislature

Within 10 calendar days after adoption by an agency of proposed PERMANENT rules, the agency must submit the rules to the Governor and the Legislature. A "statement" of such submission must subsequently be published by the agency in the *Register*.
For additional information on submissions to the Governor/Legislature, see 75 O.S., Section 303.1 and 308.

**TITLE 610. STATE REGENTS FOR HIGHER
EDUCATION
CHAPTER 25. STUDENT FINANCIAL AID
AND SCHOLARSHIPS**

[OAR Docket #18-785]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 23. Oklahoma Higher Learning Access
Program

610:25-23-4. Program requirements [AMENDED]
610:25-23-7. Payment of awards, policies and limitations
[AMENDED]
610:25-23-8. Administrative responsibilities
[AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

December 7, 2018

[OAR Docket #18-785; filed 12-10-18]

Emergency Adoptions

"If an agency finds that a rule is necessary as an emergency measure, the rule may be promulgated" if the Governor approves the rules after determining "that the rule is necessary as an emergency measure to do any of the following:

- a. protect the public health, safety or welfare,
- b. comply with deadlines in amendments to an agency's governing law or federal programs,
- c. avoid violation of federal law or regulation or other state law,
- d. avoid imminent reduction to the agency's budget, or
- e. avoid serious prejudice to the public interest." [75 O.S., Section 253(A)]

An emergency rule is considered promulgated immediately upon approval by the Governor, and effective immediately upon the Governor's approval or a later date specified by the agency in the emergency rule document. An emergency rule expires on September 15 following the next regular legislative session after its promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which cites to the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

For additional information on the emergency rulemaking process, see 75 O.S., Section 253.

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 110. LICENSING SERVICES

[OAR Docket #18-822]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 1. General Provisions
 - Part 1. Licensing Services - Child Care
 - 340:110-1-5 [AMENDED]
 - 340:110-1-8.3 [AMENDED]
 - 340:110-1-8.6 [AMENDED]
 - 340:110-1-9 [AMENDED]
 - 340:110-1-15 [AMENDED]
 - 340:110-1-17 [AMENDED]
 - Part 3. Licensing Services-Residential Care and Agencies
 - 340:110-1-54 [AMENDED]
 - Subchapter 3. Licensing Standards for Child Care Facilities
 - Part 15. Requirements for Child Care Centers, Day Camps, Drop-In Programs, Out-of-School Time Programs, Part-Day Programs and Programs for Sick Children
 - 340:110-3-281.3 [AMENDED]
 - 340:110-3-284.2 [AMENDED]
 - Subchapter 5. Requirements for Child-Placing Agencies
 - Part 3. Requirements for Adoption Agencies
 - 340:110-5-30 [AMENDED]
 - Part 5. Requirements for Foster Home Agencies
 - 340:110-5-59 [AMENDED]
 - 340:110-5-61.1 [AMENDED]

(Reference WF 18-15)

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 10 O.S. §§ 403, 404, 405.4, and 406 of the Oklahoma Child Care Facilities Licensing Act.

ADOPTION:

November 16, 2018

APPROVED BY GOVERNOR:

December 17, 2018

EFFECTIVE:

Immediately Upon Governor's approval

EXPIRATION:

Effective through September 14, 2019, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The emergency rules reflect amendments for compliance with legislative mandates as a result of the passage of Senate (SB) and House Bills (HB)

during the 2018 Oklahoma legislative session. Amendments also include aligning child-placing agency licensing requirements with: (1) Child Welfare Services (CWS) rules for alternate care arrangements and the number of foster children placed in a foster home; and (2) Interstate Compact on the Placement of Children (ICPC) adoptive family assessments.

GIST/ANALYSIS:

The passage of SB 907 amended the Oklahoma Child Care Facilities Licensing Act, Section 403 of Title 10 of the Oklahoma Statutes (10 O.S. § 403). Statutory amendments provide licensing exemptions for: (1) accredited or non-profit affiliated summer or after-school programs; and (2) facilities operating for less than 10 weeks annually.

The passage of HB 2524 amended the Oklahoma Child Care Facilities Licensing Act, 10 O.S. § 406. Statutory amendments establish an anonymous system for reporting and investigating retaliation complaints or grievances by a facility against Oklahoma Department of Human Services (DHS) employees.

The passage of HB 2691 amended the Oklahoma Child Care Facilities Licensing Act, 10 O.S. § 404. Statutory amendments require the Child Care Advisory Committee (CCAC) to designate two members to serve on the Child Care Services (CCS) Quality Rating and Improvement System (QRIS) administrative review panel.

The passage of HB 2692 amended the Oklahoma Child Care Facilities Licensing Act, 10 O.S. § 405.4. Statutory amendments provide for a two-year probationary period for master teachers to fulfill educational qualifications.

The proposed revisions to Chapter 110, Subchapter 1, Part 1 amend CCS policy to align with legislative mandates of SB 907 and HB 2524, 2691, and 2692 providing procedures for: (1) additional licensing exemptions for summer and after-school programs; (2) procedures for investigating complaints of retaliation or grievances by a facility against DHS employees; (3) two members of CCAC to serve on QRIS administrative review panel; and (4) providing a two-year probationary period for master teachers to fulfill educational qualifications. Licensed child care programs impacted by the proposed amendments include: (1) family child care homes; (2) child care centers; (3) day-camps; (4) drop-in programs; (5) out-of-school time programs; (6) part-day programs; and (7) programs for sick children.

The proposed revisions to Chapter 110, Subchapter 1, Part 3 amend CCS residential and child-placing policies aligning with HB 2524 legislative mandates providing procedures for investigating retaliation complaints or grievances by a facility against DHS employees. Licensed programs impacted by the proposed amendments include residential child care programs and child-placing agencies.

The proposed revisions to Chapter 110, Subchapter 3, Part 15 amend CCS licensing requirements for: (1) child care centers; (2) day-camps; (3) drop-in programs; (4) out-of-school time programs; (5) part-day programs; and (6) programs for sick children aligning with HB 2692 for a two-year probationary period for master teachers to fulfill educational qualifications. Licensed child care programs impacted by the proposed amendments include: (1) child care centers; (2) day-camps; (3) drop-in programs; (4) out-of-school time programs; (5) part-day programs; and (6) programs for sick children.

The proposed revisions to Chapter 110, Subchapter 5, Part 9 amend CCS child-placing agency licensing requirements to reflect: (1) CWS policy for alternate care arrangements and number of foster children placed in a foster home; and (2) ICPC adoptive family assessment requirements. Licensed child care programs impacted by the proposed amendments include child-placing agencies.

Emergency Adoptions

CONTACT PERSON:

Dena Thayer at 405-521-4326

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F):

SUBCHAPTER 1. GENERAL PROVISIONS

PART 1. LICENSING SERVICES - CHILD CARE

340:110-1-5. Inquiries

(a) **Inquiries.** An inquiry regarding ~~licensing~~Licensing child care facilities is referred to the ~~licensing~~Licensing staff in ~~whose~~ the geographical area where the inquirer is located.

(1) The referral includes the name, address, ~~tele-~~phone number, and type of care the ~~facility~~program is ~~giving~~providing or planning to ~~give~~provide.

(2) ~~Upon receipt of an~~On inquiry receipt, the ~~licensing~~Licensing staff provides the inquirer with a ~~copy~~ of the applicable Licensing requirements and, when appropriate, ~~refers~~referrals to other agencies involved in regulating child care facilities, such as the fire department, health department, and local city regulatory offices.

(3) When the inquirer ~~has informed licensing staff they are~~ currently providing child care for ~~children~~, procedures in Oklahoma Administrative Code (OAC) 340:110-1-13 are followed. Licensing informs the inquirer they are not to provide child care of ~~children~~ without permission to operate from Oklahoma Child Care Services (OCCS)~~(CCS)~~.

(b) **Tribal and federal facilities.** ~~Child care facilities on Indian tribal land do not require a state license but may request licensure. Facilities that are licensed by a tribe with whom OCCS has a cooperative licensing agreement and that care only for Indian children, do not require a state license, but may request licensure.~~ Tribal and federal child care facilities not requiring a state license but may request licensure are:

(1) on Indian tribal land;

(2) licensed by a tribe, with a CCS cooperative licensing agreement; and

(3) operating on military bases or federal property.

(c) **Federal facilities.** ~~Facilities operated on military bases or on federal property are exempt.~~

(d) **In-home caregiver.** Adult and Family Support Services (AFS) Child Care Subsidy approves contracted child care when care is provided in the child's own home. ~~No and no~~ license is required for this type of care.

(e) **Inquiry records.** Inquiry records are maintained in the ~~licensing~~Licensing staff's office. Inquiry information is ~~sent~~provided to the supervisor on request.

(f) **Request for licensure.** When the inquirer indicates an interest in becoming licensed, ~~the licensing~~Licensing staff:

(1) determines the necessity for a license according to the Oklahoma Child Care Facilities Licensing Act, Section 403 of Title 10 of the Oklahoma Statutes (10 O.S. § 403). Additional exemptions for ~~programs that are~~ not designed or intended for child care include:

(A) ~~programs that~~operate ~~operating~~ less than ~~eight~~10 weeks annually;

(B) summer programs ~~that~~operate ~~operating~~ less than eight hours per day;

(C) programs serving children 3 years of age and older, offering elementary education in kindergarten through third grade;

(D) summer youth camps, summer programs, or after-school programs for children who are at least 4 years of age, accredited by a national standard-setting agency or church camp accreditation program or are accredited by, chartered by, or affiliated with a national non-profit organization;

(E) programs providing care and supervision for school-aged children only in a center-based program for 21 or fewer hours per week and located in a county with a population of less than 100,000, according to the latest Federal Decennial Census;

(F) ~~programs where children are limited from enrolling in multiple sessions because of the type of activity or ages accepted;~~

(G) ~~programs where children are not enrolled by the parents and are free to come and go;~~

(H) programs including family child care homes that operate, providing care and supervision for 15 or fewer hours per week or less; and

(I) ~~sponsors that~~operate ~~operating~~ two or more programs in the same building ~~if~~when each operates 15 hours or less per week;

(2) reviews the Licensing requirements with the inquirer to ~~help decide whether requirements can be met~~ for determining compliance;

(3) ascertains the inquirer's qualifications of ~~the inquirer~~ to operate a facility program; and

(4) provides program consultation to ~~assist in the development of a child care facility that provides~~ regarding quality care.

340:110-1-8.3. Certification of programs to receive a differential quality rating and improvement level

(a) **Purpose.** The differential quality rating and improvement system was developed to improve the overall quality of care by increasing the professional development and education of child care providers and to provide the public with a method to evaluate child care. Certification is required for a program to receive a differential quality ~~rating~~ for children whose families are receiving subsidized child care benefits through the Oklahoma Department of Human Services (DHS).

(b) **Criteria for child care centers and homes certification levels.** The certification process and quality rating and improvement criteria for child care programs are described in

Oklahoma Administrative Code (OAC) 340:110-1-8.3 through 340:110-1-8.10.

(c) **Request for star certification process.** The process in (1) through (4) of this subsection is required for certification.

(1) **Criteria for one star centers and homes.** A program operating on a permit or license is automatically designated as a one star program.

(2) **Criteria for one star plus centers and homes.** For approval as a one star plus program, the owner and director or primary caregiver, when applicable, must complete and submit Form 07LC025E, Request for Child Care Center Star Certification, or Form 07LC027E, Request for Family Child Care Home Star Certification, and:

(A) meet all criteria described in (b) of this Section; and

(B) when licensed as a child care center, meet at least the minimum required number of master teachers, per applicable Licensing requirements and are not eligible for master teacher probationary periods.

(3) **Criteria for two star centers and homes.** For approval as a two star program, the owner and director or primary caregiver, when applicable, must complete the appropriate request for star certification, and meet:

(A) all one star plus and two star criteria described in (b) of this Section; or

(B) ~~licensing~~Licensing status and compliance, per OAC 340:110-1-8.4, and provide documentation the program is:

(i) accredited by a national accrediting ~~body~~organization approved by Child Care Services (CCS); or

(ii) a Head Start grantee and compliant with Head Start Performance Standards.

(4) **Criteria for three star centers and homes.** For approval as a three star program, the owner and director or primary caregiver, when applicable, must:

(A) complete the appropriate request for star certification; and

(B) meet one star plus and two star criteria described in (b) of this Section, and be:

(i) accredited by a national accrediting ~~body~~organization approved by CCS; or

(ii) a Head Start grantee and compliant with Head Start Performance Standards.

(d) **Approval for certification for centers and homes.** The procedures in this subsection are followed for initial approval and requests for higher star certification level.

(1) The owner and director or primary caregiver, when applicable, submits the appropriate request for star certification; and required documentation to CCS.

(2) The stars outreach specialist determines when certification criteria are met by reviewing the case record and submitted documentation. When it has been four months since the last monitoring visit, the stars outreach specialist requests Licensing staff ~~conduct~~conducts a full-monitoring visit. ~~The~~Prior to approval, the stars outreach

specialist reviews all information consulting with Licensing staff and the stars program administrator or designee as needed, ~~prior to approval.~~

(A) The monitoring visits and substantiated complaints for the last 24 months of operation are reviewed for determination of criteria compliance. The request may be denied when ~~there are~~the program has:

(i) numerous, repeated, or serious non-compliance, per OAC 340:110-1-8.4, ~~or;~~

(ii) a single serious incident resulting in injury or imminent risk of harm to a child within the 24-month period;

(iii) an Emergency Order or notice of proposed request for license denial or license revocation issued; or

(iv) a consent agreement, per OAC 340:110-1-9.5.

(B) When the program meets the criteria, the stars outreach specialist provides a letter confirming the approval and the effective date, and updates the database. When numerous, repeated, or serious non-compliance was identified during case review for the star certification request, the letter ~~includes a statement that~~states these non-compliances are considered, and may result in star certification reduction when subsequent serious non-compliances occur.

(C) When the program fails to meet the criteria, the stars outreach specialist provides a letter identifying criteria not met. The request for star certification is also reviewed determining if another star certification level can be met and updating the database accordingly.

(D) The owner and director or primary caregiver, when applicable, may reapply when criteria are met. When the request for a higher star certification level is denied due to numerous, repeated, or serious non-compliance with ~~licensing~~Licensing requirements, the program is not approved for a higher star certification level prior to six months after the ~~certified program receives the~~ denial letter ~~has been received by certified mail.~~ The regional programs manager (RPM) may reduce the six-month waiting period based on ~~licensing~~Licensing record evaluation, corrective action written documentation, and Licensing staff observation and documentation of substantial compliance improvement. The RPM provides the program written notification ~~to the program~~regarding reduced timeframes.

(E) The owner may withdraw the request for star certification prior to denial.

(F) The owner may request a reduction in star certification level. The request must be made in writing to CCS. Quality rating and improvement system (QRIS) personnel or the designee provides a letter to the owner documenting the reduction request, including the new star certification level effective date, and updates the database with the program's new star

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- certification level. A reduction request does not constitute a reduction in star certification level, per (h) of this Section.
- (e) **Complaint investigations.** Pending complaint investigations may impact star certification request approval.
- (f) **Ongoing review.** The procedures in this subsection are followed for ongoing review.
- (1) **Program notification to CCS.** The owner, director, or primary caregiver is required to notify CCS within five program-business days of changes affecting the program's star certification level. The case is reviewed by Licensing staff, determining whether criteria continue to be being met.
- (2) **Periodic certification reviews.** Licensing staff completes a minimum of three reviews annually, using Form 07LC026E, Child Care Center Star Certification Review, or Form 07LC028E, Family Child Care Home Star Certification Review. The three reviews consist of two partial- and one full-star certification criteria reviews. Programs:
- (A) operating less than a full-year or having a cooperative licensing agreement with a tribal program are required to have a minimum of one partial- and one full-star certification reviews annually; and
- (B) exempt from state licensure including federal or tribal programs, must have all applicable stars criteria reviewed at least annually.
- (3) **Master teacher change.** When an individual replaces a master teacher:
- (A) Form 07LC031E, Probationary Master Teacher Agreement, is completed;
- (B) the probationary master teacher is granted a one-year probationary period to fulfill the master teacher educational qualifications per applicable Licensing requirements and QRIS criteria; and
- (C) Licensing may extend the probationary period for a second year, providing the probationary master teacher is actively pursuing educational qualifications as identified on Form 07LC031E.
- (34) **Non-compliance.** The star certification level of a one star plus, two, or three star program may be reduced, when a program has:
- (A) serious non-compliance with ~~licensing~~Licensing requirements, within a 24-month period;
- (B) a serious incident resulting in injury or imminent risk of harm to a child; or
- (C) violations with other star certification criteria.
- (45) **Violations.** When violations of certification criteria are documented, or the program notifies CCS of criteria changes, the procedures in (A) through (E) of this paragraph are followed.
- (A) Licensing staff provides written notification documenting the violations, including a statement that a reduction in the star certification level may occur, when:
- (i) the program ~~has had~~ serious non-compliances with ~~licensing~~Licensing requirements;
- (ii) a serious incident occurs resulting in injury or imminent risk of harm to a child;
- (iii) violations are not corrected in the agreed on time frame; or
- (iv) an Emergency Order or notice of proposed request for license denial or revocation of license is issued.
- (B) Licensing staff documents a plan of correction for each star criteria violation noted during the criteria review indicating a specific agreed on correction time frame.
- (C) When previous criteria ~~violation~~violations were not corrected ~~by~~in the agreed on time frame, an additional plan of correction may be documented indicating a reduced correction time frame.
- (D) When the program fails to meet additional plans of correction, Licensing staff may submit a referral for star certification reduction or notify the program of a request for extension of time to comply, including timeframes.
- (E) When the program does not apply for an extension of time to comply, there is no acceptable plan of correction; Licensing staff may submit a referral for star certification reduction.
- (56) **Follow-up of criteria violations.** Licensing staff is responsible for verifying star certification criteria violations are corrected as determined by the approved plan of correction.
- (67) **Written notice.** Licensing staff provides written notice that star certification criteria are not being met, when:
- (A) there is serious non-compliance with requirements, per OAC 340:110-1-8.4;
- (B) a serious complaint that may place the children's health, safety, or well-being ~~of children~~ at imminent risk of harm is substantiated;
- (C) Licensing staff have knowledge the program is not meeting star certification criteria, such as having an insufficient number of master teachers; and/or
- (D) a program fails to employ a qualified director for six months or more.
- (g) **Extension of time to comply.**
- (1) A request for an extension of time to comply may be submitted when violations of star criteria cannot be corrected within the agreed on plan of correction time frame.
- (2) A request for an extension of time to comply to meet ~~licensing~~Licensing requirements, such as director qualifications, is not approved.
- (3) The owner, director, or primary caregiver submits Form 07LC074E, Request for Extension of Time to Comply, no later than 10-calendar days after the plan of correction expires.
- (4) The decision to approve or deny an extension of time to comply is made by the stars program administrator or designee. One or more discretionary extensions of time to comply may be granted. Approval of an extension of time to comply does not set a precedent and each request is independently evaluated. The owner and director or

primary caregiver, when applicable, is notified in writing of the decision.

(h) Reduction in one star plus, two, and three star certification levels.

(1) A reduction occurs when CCS issued a written Emergency Order or notice of proposed request for license denial or license revocation of license.

(2) A reduction may occur, when:

(A) the program ~~has had~~ Licensing serious non-compliance with ~~licensing~~ Licensing requirements within a 24-month time frame;

(B) a serious incident occurs resulting in injury or imminent risk of harm to a child;

(C) violations are not corrected within the agreed on time frame; or

(D) a program fails to employ a qualified director for six months or more.

(3) The procedures in this subsection are followed when a reduction is warranted.

(A) Licensing staff reviews the case with the supervisor and RPM. The decision to make a referral to the stars program administrator or designee is made by the RPM and referrals are made in writing to the stars program administrator or designee. The RPM may enter ~~into~~ in an agreement for an alternative settlement with the owner of a program in lieu of reduction. The alternative settlement documents how the program will go above and beyond minimum ~~licensing~~ Licensing requirements and ensure a higher standard or quality of care. It is the RPM's decision to accept or deny the alternative settlement.

(B) When a reduction is warranted, the stars program administrator or designee provides the owner and director or primary caregiver, when applicable, a ~~certified~~ letter sent by certified mail documenting the reduction in star certification level and notifying the program of the right to request an administrative review of the decision.

(C) The certified mail delivery receipt card is addressed to return to the CCS director or designee.

(D) In order to receive an administrative review, the owner must submit a written request to the CCS director or designee within 15-calendar days of reduction notification letter receipt.

(E) The request must include written documentation stating the program's grounds for appeal.

(4) QRIS personnel or a designee updates changes in the star certification level and payment rate following verification of certified letter receipt and the administrative review, when requested.

(5) ~~The purpose of the~~ administrative review process includes determining when a star certification level reduction was in accordance with DHS policy and substantially supported by the evidence. The procedures in (A) through (C) of this paragraph are followed when an administrative review is requested.

(A) Within 30-calendar days of receiving the request for an administrative review, a letter is provided

notifying the owner and program of the administrative review ~~date, time, and location.~~ Prior to the administrative review, the owner is provided at least a 14-calendar ~~days~~ day written notice. All correspondence indicates the administrative review date, time, and location. The owner may submit written documentation prior to, or at the beginning of, the administrative review, with copies provided to all representatives.

(B) ~~The stars~~ administrative review panel, consisting:

(i) provides review;

(ii) consists of two ~~one~~ DHS staff not involved in the decision to reduce the star certification level; and ~~one~~

(iii) includes two Child Care Advisory Committee ~~member having no relationship to the program, conducts the review~~ (CCAC) members, one of which is a center owner or operator, per OAC 340:110-1-17.

(C) The stars review panel makes a determination affirming or reversing the CCS decision at the administrative review. Time constraints or the complexity of issues may require the panel to take a matter under advisement. ~~Written findings are~~ The determination decision is completed within 10-calendar days from the panel review date.

(6) The owner and director or primary caregiver, when applicable, may reapply for a higher star certification level when criteria are met. When the star certification level is reduced due to serious non-compliance with ~~licensing~~ Licensing requirements, the program is not approved for a higher star certification level for six months after receiving the ~~certified~~ reduction letter, sent by certified mail.

(i) **Change in ownership.** When there is a change in ownership or form of business entity of a program, the case is closed and the star certification level is removed, unless otherwise determined, per OAC 340:110-1-9. For approval as a higher star certification level, the new owner and director or primary caregiver, when applicable, completes and submits the appropriate star certification request, meeting all the criteria applicable to the requested star certification level.

(j) **Transitional change of ownership.** When a program requests a transitional change of ownership (1) through (7) of this subsection are followed.

(1) Licensing staff conducts a full-star criteria review within five DHS-business days:

(A) verifying all applicable criteria are met; and

(B) obtaining the appropriate request for star certification completed by the prospective owner and director or primary caregiver, when applicable.

(2) The stars outreach specialist reviews the request for star certification completed by the prospective owner and verifies star level certification criteria are met per (d) of this Section.

(3) Transitional change of ownership procedures are followed, per OAC 340:110-1-9.

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- (4) Periodic and ongoing criteria reviews are conducted and maintained, per (f) of this Section.
- (5) All star certification criteria reviews and correspondence are provided to both the current and prospective owners.
- (6) Change of ownership procedures are followed, per (i) of this Section by the end of 90-calendar days, when applicable.
- (7) When programs notify Licensing that transitional change of ownership is no longer proceeding, Licensing staff verifies program operation status and consults with the supervisor for appropriate action.
- (k) **Inactive status.** When a program is determined inactive, per OAC 340:110-1-9, all applicable star certification criteria must be reviewed at least annually.
- (l) **Address change.** When the ~~program~~ program's address changes, Licensing staff completes the appropriate star certification review, verifying compliance with criteria at the new address. Licensing staff determines ~~if~~ when a partial- or full-star certification review is conducted.
- (m) **Record-keeping.** Periodic certification review, request forms, and supporting documentation are maintained in the case file or in a separate open-record file. When maintained, any information, including children's photographs ~~are~~ is kept confidential, per OAC 340:110-1-14.

340:110-1-8.6. Director, personnel, and primary caregiver qualifications for differential quality rating and improvement certification criteria

- (a) **Master teacher and primary caregiver qualifications for two and three star levels.** Required criteria listed in (1) - (3) of this subsection include:
 - (1) a current Oklahoma Professional Development Ladder (OPDL) certificate of Level 3, specifically met by an Oklahoma Competency Certificate with a Master Teacher emphasis, or Level 4 or higher;
 - (2) ~~trained~~ completed training in Oklahoma's Early Learning Guidelines (ELG); however, new master teachers and primary caregivers hired or assuming the responsibilities after certification are trained within 90-calendar days; and
 - (3) employment on-site, full-time; however, out-of-school time master teachers are on-site at least 50 percent of ~~the~~ weekly-operating hours.
- (b) **Master teachers required for two and three star centers.** There is a full-time master teacher for every 30 children of the licensed capacity.
 - (1) Out-of-school time programs must have a master teacher for every 40 children of the licensed capacity.
 - (2) An individual is not counted as a master teacher or primary caregiver in more than one program, unless the scheduled hours of employment in each program do not overlap at any given time.
 - (3) When an individual replaces a master teacher and does not meet educational qualifications, refer to Oklahoma Administrative Code (OAC) 340:110-1-8.3(f)(3).

- (c) **Director as master teacher.** The director may be counted as a master teacher when meeting master teacher qualifications in (a) of this Section, regardless of the program's licensed capacity.
- (d) **Master teacher responsibilities.** Master teachers work directly with children and support other teaching personnel with responsibilities, such as program development, weekly lesson plans, use of space and equipment, interactions with parents, and program evaluation.
- (e) **Director responsibilities.** An individual is not counted as director in more than one program.

340:110-1-9. Case management

- (a) **Periodic monitoring visits.** Licensing staff conducts a minimum of three, unannounced monitoring visits to programs operating a full-year, and two, unannounced monitoring visits annually to programs operating less than a full-year. Licensing staff varies the monitoring visit times, including a lunch observation and an evening visit to child care centers with extended hours.
- (b) **Ongoing monitoring.** During monitoring visits, Licensing staff observes the entire facility, including the outdoor play space and transportation vehicles, when available. At, or subsequent to each monitoring visit, Licensing staff verifies:
 - (1) compliance with ~~licensing~~ Licensing requirements;
 - (2) compliance with stars criteria, per Oklahoma Administrative Code (OAC) 340:110-1-8.3;
 - (3) new personnel records including personnel sheets and compliance with background investigations, per OAC 340:110-1-8.1;
 - (4) personnel professional development records;
 - (5) the Oklahoma Department of Human Services (DHS) database on applicable individuals, per OAC 340:110-1-8.1;
 - (6) fire and health inspections within the last 24 months, when applicable;
 - (7) Form 07LC092E, Insurance Verification, within the last 12 months, or posting of Form 07LC093E, Insurance Exception Notification; and
 - (8) other documentation requiring renewal.
- (c) **Technical assistance and consultation.** Licensing staff provides:
 - (1) technical assistance to licensees assisting them in meeting minimum requirements; and
 - (2) consultation on various aspects of quality child care.
- (d) **Agreements with tribal licensing programs and other monitoring agencies.** DHS may enter into a cooperative licensing agreement with a tribal licensing program or other monitoring agency.
- (e) **Equipment inventory.** Licensing staff completes Form 07LC006E, Equipment Inventory for Child Care Programs, prior to license issuance. Licensing staff or the program may complete the appropriate equipment inventory prior to a change in class and prior to a capacity increase in a child care center, day camp, drop-in, out-of-school time, part-day program, or program for sick children. Inventories document the available equipment and the items needed to comply with

the equipment requirements. Licensing staff may conduct a complete inventory when concern exists about the availability of required equipment.

(f) Address change.

(1) When a program moves to a new address, Licensing staff:

- (A) obtains an updated Form 07LC004E, Request for License Child Care Program;
- (B) conducts a monitoring visit verifying that the new location meets ~~licensing~~Licensing requirements;
- (C) obtains new fire and health inspections for a child care center, day camp, drop-in, out-of-school time, part-day program, or program for sick children, when applicable;
- (D) obtains Oklahoma Department of Environmental Quality approval, when applicable;
- (E) completes Form 07LC057E, Physical Plant, with required calculations; and
- (F) requests a permit or license ~~be issued~~issuance reflecting the address change.

(2) When an address change involves care provided in a location other than the primary caregiver's residence, refer to OAC 340:110-1-6(a)(3).

(g) Program name change. When there is a program name change, Licensing staff verifies there is no ownership change, and documents the name change in the case file and database. A new Form 07LC004E, Request for License Child Care Program, reflecting the program name change is completed. Licensing staff requests a permit or license ~~be issued~~issuance reflecting the new program name.

(h) Director change. When there is a director change, Licensing staff:

- (1) verifies the new director meets qualifications;
- (2) obtains the applicable page of Form 07LC004E, Request for License Child Care Program, completed by the new director;
- (3) obtains references;
- (4) obtains an appropriate, completed Form 07LC117E, Compliance Review for Child Care Programs, from the director, when the director has no previous director experience;
- (5) notifies the new director of current personnel, who are granted waivers; and
- (6) documents the information on Form 07LC080E, Licensing Services Supplemental Information.

(i) Master teacher change. When an individual replaces a master teacher:

- (1) Form 07LC031E, Probationary Master Teacher Agreement, is completed;
- (2) the probationary master teacher is granted a one-year probationary period to fulfill the master teacher educational qualifications per applicable Licensing requirements and Quality Rating and Improvement System (QRIS) criteria, when applicable; and
- (3) Licensing may extend the probationary period for a second year, providing the probationary master teacher is actively pursuing educational qualifications as identified on Form 07LC031E.

(j) Primary caregiver change. When there is a primary caregiver change, Licensing staff:

- (1) verifies the primary caregiver meets qualifications;
- (2) obtains the applicable page of Form 07LC004E, Request for License Child Care Program, completed by the new primary caregiver;
- (3) obtains references;
- (4) notifies the new primary caregiver of current personnel, who are granted waivers; and
- (5) documents the information on Form 07LC080E, Licensing Services Supplemental Information.

(k) Facility household change. Facility household changes are documented on the monitoring summary. Form 07LC096E, Criminal History Review Request for Programs, must be submitted prior to a new adult residing in the facility. When there is a new adult residing in a facility, the required documentation includes:

- (1) the applicable page of Form 07LC004E, Request for License Child Care Program, completed by the new adult;
- (2) background investigations, per OAC 340:110-1-8.1; and
- (3) a DHS database search.

(l) Change in ownership. When there is a change in ownership or a change in the form of business organization of a child care program, the case is closed and a new Form 07LC004E, Request for License Child Care Program, is obtained. Prior to permit or license issuance, the program must be in compliance with background investigations, per OAC 340:110-1-8.1. A permit may be issued when a monitoring visit without numerous, repeated, or serious non-compliances was conducted within the past 60-calendar days. A full-monitoring visit is conducted within 14-calendar days of change of ownership verifying the new owner meets minimum ~~licensing~~Licensing requirements.

(m) Transitional change of ownership. When a program requests a transitional change of ownership (1) through (6) of this subsection are followed.

- (1) Licensing staff conducts a monitoring visit within five DHS-business days, verifying compliance with ~~licensing~~Licensing requirements and, obtains:
 - (A) Form 07LC015E, Transitional Change of Ownership, completed by the current and prospective owners;
 - (B) Form 07LC004E, Request for License Child Care Program, completed by the prospective owner; and
 - (C) updated program personnel information on Form 07LC002E, Personnel Summary, verifying that the prospective owner employs the same personnel as the current owner, at the time of transitional change of ownership.
- (2) Transitional change of ownership procedures for star certification are met, per OAC 340:110-1-8.3; when applicable.
- (3) Periodic and ongoing monitoring is maintained, per (a) and (b) of this Section.

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- (4) All ~~licensing~~Licensing monitoring and correspondence are provided to both the current and prospective owners.
- (5) Change of ownership procedures are followed, per ~~(k)(1)~~(l) of this Section by the end of 90-calendar days, when applicable.
- (6) When programs notify Licensing that transitional change of ownership is no longer proceeding, Licensing staff verifies program operation status and consults with the supervisor for appropriate action.
- ~~(m)~~ **Change in class.** When a program requests a change in class, procedures in (1) through (2) of this subsection are followed.
- (1) The case is closed and a new Form 07LC004E, Request for License Child Care Program, is required, when a:
- (A) family child care home converts to a child care center, day camp, drop-in, out-of-school time, part-day program, or program for sick children; or
 - (B) child care center, day camp, drop-in, out-of-school time, part-day program, or program for sick children converts to a family child care home.
- (2) Other requests for change in class do not require case closure and, documentation includes:
- (A) a request in writing from the owner;
 - (B) a new Form 07LC004E, Request for License Child Care Program, with updated information;
 - (C) documentation that the program meets the requirements for the requested class type;
 - (D) the appropriate equipment inventory, when applicable;
 - (E) a current, approved fire inspection, when applicable;
 - (F) a current, approved health inspection, when applicable; and
 - (G) appropriate class and monitoring frequency plan database updates.
- ~~(n)~~ **Capacity increase or decrease.** When a program requests a capacity increase or decrease, it is documented on Form 07LC080E, Licensing Services Supplemental Information, and must be approved by the supervisor. The program must not have a history of numerous, repeated, or serious non-compliance, and provide:
- (1) the reason for the increase;
 - (2) an updated floor plan on Form 07LC057E, Physical Plant, reflecting adequate indoor and outdoor space, toilets, and sinks for the increase and other changes;
 - (3) fire department approval of space not previously inspected;
 - (4) health approval of additional food preparation space not previously inspected;
 - (5) an updated equipment inventory reflecting adequate equipment for the increase; and
 - (6) verification of the required number of master teachers.
- ~~(o)~~ **Inactive programs.** A program is in inactive status when care was not provided for more than 90-calendar days.

- (1) A program remaining open after 90-calendar days submits a request in writing, including a statement that the owner will notify Licensing prior to resuming care. Licensing staff verifies compliance with requirements prior to resuming care.
- (2) The program is contacted by Licensing staff, a minimum of every four months by phone, letter, or email to update program status including new household members or other program changes, per ~~(j)(k)~~(l) of this Section.
- (3) Voluntary closure is discussed with the owner and an agreement to close is reached, when possible.
- (4) Licensing staff visits the inactive program, at least once during the 12-month timeframe verifying compliance with ~~licensing~~Licensing requirements until closure is final or the program resumes care.
- (5) When an address change occurs when a program is in inactive status, a monitoring visit is required and address change procedures are followed per (f) of this Section.
- ~~(p)~~ **Inactive program closure.** Procedures (1) - (4) of this subsection are followed when closing an inactive program.
- (1) To verify program status, Licensing staff contacts the owner during the 12th month of inactive status.
- (2) Licensing documents program status on Form 07LC080E, Licensing Services Supplemental Information, and notifies the owner the case will be closed when care does not resume, prior to the end of the 12th month.
- (3) When care was not provided for 12-consecutive months or more, Licensing staff provides a letter notifying the owner of case closure within 10-calendar days of letter receipt, unless Licensing is notified care resumed.
- (4) The case is closed and the owner must reapply and be approved for a new license prior to resuming care, per OAC 340:110-1-6.
- ~~(q)~~ **Response to a child death.** When notified of a child death while in child care, Licensing staff:
- (1) completes Form 07LC079E, Child Death Report, and forwards it to the statewide licensing coordinator or designee: andz
 - (2) visits the program as soon as possible, unless advised otherwise by law enforcement officials.
- ~~(r)~~ **Serious incident reports.** The supervisor submits serious incident reports to the regional programs manager, county director, and statewide licensing coordinator.
- ~~(s)~~ **Self-reported incidents.** When a provider self-reports a non-compliance incident, Form 07LC080E, Licensing Services Supplemental Information, is completed and the Licensing database is updated.

340:110-1-15. Grievance policy and procedure

- (a) **Grievance policy.** The program owner or director of ~~a licensed program~~ may file a grievance regarding the application of any written or unwritten policy, rule, or regulation of Child Care Services (CCS) or ~~decision~~ by a CCS employee decision affecting the program. Grievances must be requested within 30-calendar days of the documented non-compliance, ~~violation~~ of star criteria violation, or substantiated complaint allegation. A grievance is not accepted concerning an Emergency Order, ~~denial~~ of request for license denial or license

revocation of a child care facility license. The procedure for appealing this action is provided in the Oklahoma Child Care Facilities Licensing Act, Section 407 of Title 10 of the Oklahoma Statutes (10 O.S. § 407), ~~the Oklahoma Child Care Facilities Licensing Act.~~

(b) **Grievance procedure.** Individuals wanting to file a grievance are encouraged to seek informal resolution of his or her concerns by contacting the appropriate ~~licensing~~Licensing supervisor, who attempts to resolve the matter.

(1) When a resolution cannot be reached at the local level or through verbal conversation with CCS State Office staff, the grievant is requested to file ~~one~~ written grievance request with the ~~licensing~~Licensing supervisor within 15-calendar days of this communication. Written grievances are forwarded when additional reviews are requested.

(2) The ~~licensing~~Licensing supervisor notifies the ~~licensing~~ regional programs manager (RPM) and statewide licensing coordinator a formal grievance was filed and efforts were made to resolve the issue. The ~~licensing~~Licensing supervisor responds to written grievances within 10-Oklahoma Department of Human Services (DHS) business days of receipt. The grievant is informed ~~the request for additional reviews~~review requests must be submitted within 15-calendar days of the correspondence date.

(3) When the grievant is not satisfied with the proposed resolution, he or she may request RPM review ~~by the RPM~~. The RPM responds to written grievances within 10-DHS business days of receipt. The grievant is informed ~~the request for additional reviews~~review requests must be submitted within 15-calendar days of the correspondence date.

(4) When the grievant is not satisfied with the proposed resolution, he or she may request review by the statewide licensing coordinator ~~review~~. The grievant is informed he or she may request review by the Peer Review Board of the Child Care Advisory Committee (CCAC); Peer Review Board review, prior to ~~review by the statewide licensing coordinator~~ review. The statewide licensing coordinator forwards information to the Peer Review Board, when applicable or proceeds with the review.

(5) When applicable, the Peer Review Board responds to the statewide licensing coordinator with resolution advisement ~~for resolution~~ within 10-DHS business days of receipt.

(6) The statewide licensing coordinator notifies the grievant of the CCS decision within 10-DHS business days or when applicable 10-DHS business days of ~~receipt of the Peer Review Board advisement~~ receipt. The grievant is informed ~~the request for additional reviews~~review requests must be submitted within 15-calendar days of the correspondence date.

(7) When the grievant is not satisfied with the proposed resolution, he or she may request review by the CCS director, Adult and Family Service (AFS) director, and ~~DHS Director of Human Services (Director)~~, respectively. The CCS director, AFS director, and Director each respond

within 10-DHS business days of receipt. The grievant is informed ~~the request for additional reviews~~review requests must be submitted within 15-calendar days of the correspondence date. The Director's decision is final.

~~(8) The grievant is requested to file only one written grievance. Referrals for resolution are made by the DHS staff involved in the response.~~

(c) Grievance procedures against a CCS employee. A child care program may file a grievance about a CCS employee who retaliated against a program or program employee, within 30-calendar days of the alleged incident. Reports are investigated regardless of the grievant's decision to remain anonymous.

(1) The grievant is referred to the appropriate supervisor, who attempts to resolve the matter.

(2) When the grievant is not satisfied with the proposed resolution at the supervisory level, the grievant is referred to the assistant licensing coordinator not within the line of supervision of the involved Licensing staff. The assistant licensing coordinator:

(A) requests the allegations be submitted in writing; however, written submission is not required;

(B) investigates the allegations; and

(C) provides written investigation results to the grievant, when contact information is available.

(3) The assistant licensing coordinator's decision is final; however, the grievant may request the CCS director review the finding.

340:110-1-17. Child Care Advisory Committee bylaws

(a) **Purpose.** ~~The purpose of the Child Care Advisory Committee~~Committee's (CCAC) purpose is to:

(1) carry out the provisions of the Oklahoma Child Care Facilities Licensing Act (Licensing Act), Section 404 of Title 10 of the Oklahoma Statutes (10 O.S. § 404) to:

(A) ensure ~~maintenance~~ maintenance of minimum standards ~~for the children's care and protection of children~~ away from their homes, including:

(i) constructive programs and services to meet the meeting each child's and family's needs of each child and family;

(ii) personnel of having good moral character and ability to care of caring for children;

(iii) adequate and safe housing, sanitation, and equipment;

(iv) good health care;

(v) full educational and religious opportunities;

(vi) good community relationships;

(vii) essential records and administrative methods; and

(viii) sufficient funds for sound operation;

(B) encourage and assist child care facilities toward maximum standards; and

(C) work for the development of sufficient and adequate child care services for child care development

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- through ~~joint work with public and private agencies~~ agency partnerships;
- (2) recommend child care program minimum requirements and standards for ~~child care programs~~ for ~~promulgation by the Oklahoma Department of Human Services (DHS) rule promulgation~~. Rules are promulgated after consultation with:
- (A) the Oklahoma State Department of Health (OSDH);
 - (B) the Oklahoma State Department of Education (OSDE);
 - (C) the Oklahoma State Bureau of Investigation (OSBI);
 - (D) the Office of the Oklahoma State Fire Marshal (OSFM);
 - (E) the Oklahoma Commission on Children and Youth (OCCY);
 - (F) the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS); and
 - (G) other agencies deemed necessary by DHS;
- (3) serve in an advisory capacity to DHS for developing quality child care programs and services; and
- (4) educate the public and consumers regarding quality child care.
- (b) **Function.** The CCAC function is to:
- (1) become informed ~~on~~ of DHS programs and policies regarding children;
 - (2) express ~~the community's and the State of Oklahoma's~~ the community's and the State of Oklahoma's needs and concerns ~~of the community and the State of Oklahoma as they relate~~ relating to the children's care and treatment ~~of children~~; and
 - (3) express change recommendations for ~~change~~, including minimum requirement revisions to ~~minimum requirements~~ and encouraging child care maximum standards for ~~child care~~.
- (c) **Membership.**
- (1) **Representation.** CCAC provides names for consideration of new appointments and reappointments of members to the Child Care Services (CCS) director. The CCS director in consultation with the OCCY representative ~~makes~~ provides ~~recommendations for~~ membership recommendations to the DHS Director. Members are appointed to serve at the pleasure of the DHS Director, based on child care expertise, experience, and leadership ~~in the field of child care~~.
 - (A) CCAC, at a minimum, consists of 18 members.
 - (B) The majority are DHS-licensed program representatives ~~of programs licensed by DHS to care for children~~.
 - (C) Other members include at least one representative from OSDH; OSDE; OSFM; tribal agencies; and CCS. These representatives are exempt from term limits.
 - (D) Other members include associations and agencies as recommended to the DHS Director, such as the Oklahoma Child Care Association, Oklahoma Children's Agencies and Residential Enterprises
- Incorporated (OK-CARE), ODMHSAS, OSBI, Oklahoma Association of Youth Services, Office of Juvenile Affairs, Early Childhood Association of Oklahoma, and Head Start.
- (E) ~~A~~ An OCCY representative ~~from~~ OCCY serves as an ex-officio member.
- (2) **Terms of office.**
- (A) ~~The~~ CCAC member terms of ~~CCAC members~~ are for three years with a two-consecutive-term limit.
 - (B) Members may be recommended for reappointment after completing the first office ~~of office~~.
- (3) **Officers.** ~~The~~ CCAC officers of ~~CCAC~~ are ~~include~~ chairperson, vice-chairperson, and secretary.
- (A) **Chairperson.** The chairperson is responsible for:
 - (i) presiding over all meetings;
 - (ii) planning the meeting agenda, at least 14-calendar days in advance, in coordination with CCS;
 - (iii) appointing subcommittee members of ~~subcommittees~~, in consultation with the CCS director and OCCY representative; and
 - (iv) serving as CCAC spokesperson.
 - (B) **Vice-Chairperson.** The vice-chairperson works closely with the chairperson, assumes ~~the responsibilities of the chairperson~~ responsibilities in his or her absence, and attends public hearings.
 - (C) **Secretary.** The secretary position ~~of secretary~~ is held by the CCS representative. The secretary is responsible for accurately recording ~~the minutes of each meeting~~ minutes and ~~making them available~~ providing them to the members prior to the next meeting. A permanent copy of the minutes is maintained by CCS.
- (4) **Election of officers and terms of office.**
- (A) Upon ~~vacancy of office~~ vacancy, the chairperson and vice-chairperson are elected by a majority member vote ~~of members~~ present during the next quarterly meeting following the office vacancy. Officers assume duties during the meeting ~~in which~~ when the election is held.
 - (B) ~~Terms of office~~ Office terms are for one year. Officers may be elected to serve in one office for a maximum of three terms.
- (5) **Standing Subcommittees.**
- (A) Standing subcommittees expand ~~the child care operator~~ child care operator opportunity for ~~child care program operators~~ to identify quality improvement resources, express ~~concerns facing the industry~~ concerns, and recommend issues for CCAC consideration.
 - (i) The chairpersons of four standing subcommittees are CCAC members and are appointed by CCAC chairperson. Standing subcommittees represent:
 - (I) family child care homes;
 - (II) child care centers, day camp, drop-in, out-of-school time, ~~and~~ part-day programs, and programs for sick children;

- (III) residential and child-placing agencies; and
- (IV) the quality rating and improvement system (QRIS) program.
- (ii) Standing subcommittee members are identified and recruited by the standing subcommittee chairpersons with CCS and OCCY consultation. Membership meets representation, per 10 O.S. § 404.
- (iii) Standing subcommittees meet a minimum of twice ~~a year~~annually.
- (iv) The standing subcommittee chairperson provides a written report to CCAC, at least twice ~~a year~~annually.
- (v) CCS state office staff attends standing subcommittee meetings and serves as a resource.
- (B) A standing membership subcommittee helps to ~~insure~~ensure broad licensed program representation of ~~licensed programs~~are included within CCAC. The OCCY representative serves on the standing membership subcommittee and consults with the CCS director to ~~identify~~identifying appropriate CCAC members.
 - (i) The ~~chairperson of the~~ standing membership subcommittee chairperson works closely with other CCAC officers and provides ~~oversight to~~ the standing membership subcommittee oversight.
 - (ii) The membership subcommittee meetings are held at least quarterly, prior to CCAC meetings.
 - (iii) The membership subcommittee chairperson provides a written quarterly report to CCAC.
 - (iv) The membership subcommittee recommends to CCAC:
 - (I) the names of ~~individuals~~ for new appointments;
 - (II) the re-appointment of existing members based ~~upon~~on attendance and participation on CCAC subcommittees; and
 - (III) a slate of officers.
- (6) **Peer Review Board.** CCAC identifies members to serve on the Peer Review Board and participate in the DHS grievance process per Oklahoma Administrative Code (OAC) 340:110-1-15 and 340:110-1-54. A majority of the Peer Review Board are representatives of licensed child care facilities.
- (7) **QRIS Administrative Review.** CCAC identifies two members to serve on QRIS administrative reviews per OAC 340:110-1-8.3 (h)(5)(B), with one member being a center owner or operator.
- (d) **Meetings.**
 - (1) **Frequency.** CCAC meets quarterly. Additional meetings may be called or regular meetings cancelled ~~at~~by the ~~discretion of the~~ chairperson and CCS representative.
 - (2) **Quorum.** A minimum of one third plus one member or designee, of currently appointed members, must be present for a quorum.

- (3) **Voting.** All members or designees must receive CCAC orientation ~~on the goals and practices of CCAC~~ prior to voting.
- (4) **Attendance.** Committee members or designees must attend at least two CCAC meetings ~~a year~~annually or may be removed from the committee at ~~the discretion of the~~ CCAC or DHS ~~Director~~Director's discretion.
- (5) **Active participation.** CCAC members or designees are required to serve on subcommittees annually.
- (6) **Guidelines.** ~~The practices of the~~ CCAC practices are compatible with the Licensing Act.
- (7) **Rules of order.** *Robert's Rules of Order*, as amended, are used to govern the meetings.
- (e) **Change of bylaws.** CCS prepares bylaw revisions based on CCS and CCAC input and recommendations. Proposed rulemaking is presented to CCAC for comment and submitted for approval through the Administrative Procedures Act rule-making process.

PART 3. LICENSING SERVICES - RESIDENTIAL CARE AND AGENCIES

340:110-1-54. Grievance policy and procedure

- (a) **Grievance policy.** The residential program or child-placing agency owner, director, or administrator ~~of a licensed child care program or agency~~ may file a grievance regarding the enforcement of any written or unwritten policy, rule, or regulation of the Child Care Services (CCS) or ~~decision by a~~ CCS employee decision affecting the program. Grievances must be requested within 30-calendar days of the documented non-compliance or substantiated complaint allegation. A grievance is not accepted concerning an Emergency Order, ~~denial of~~ request for license denial or license revocation ~~of a child care program license~~. The procedure for ~~requesting a review of~~appealing this action is provided ~~for~~ in the Oklahoma Child Care Facilities Licensing Act, Section 407 of Title 10 of the Oklahoma Child Care Facilities Licensing Act, Statutes (10 O.S. § 407).
- (b) **Grievance procedure.** Individuals wanting to file a grievance are encouraged to seek informal resolution of his or her concerns by contacting the programs manager, who attempts to resolve the matter.
 - (1) When a resolution cannot be reached at the local level or through verbal conversation with CCS State Office staff, the grievant is requested to file ~~a~~one written grievance request with the programs manager within 15-calendar days of this communication. Written grievances are forwarded when additional reviews are requested.
 - (2) The programs manager notifies the statewide licensing coordinator a formal grievance was filed and efforts were made to resolve the issue. The programs manager responds to written grievances within 10-Department of Human Services (DHS) business days of receipt. The grievant is informed ~~the request for~~ additional ~~reviews~~review requests must be submitted within 15-calendar days of the correspondence date.

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(3) When the grievant is not satisfied with the proposed resolution, he or she may request ~~review to the statewide licensing coordinator review.~~ The grievant is informed he or she may request ~~review by the Peer Review Board of the Child Care Advisory Committee (CCAC).~~ Peer Review Board review, prior to ~~review by the statewide licensing coordinator review.~~ The statewide licensing coordinator forwards information to the Peer Review Board, when applicable or proceeds with the review.

(4) When applicable, the Peer Review Board responds to the statewide licensing coordinator with ~~advisement for resolution~~ advisement within 10-DHS business days of receipt.

(5) The statewide licensing coordinator notifies the grievant of the CCS decision within 10-DHS business days or when applicable 10-DHS business days of ~~receipt of the Peer Review Board advisement receipt.~~ The grievant is informed ~~the request for additional reviews~~ review requests must be submitted within 15-calendar days of the correspondence date.

(6) When the grievant is not satisfied with the proposed resolution, he or she may request review ~~to by~~ the CCS director, Adult and Family Service (AFS) director and Director of Human Services (Director), respectively. The CCS director, AFS director and Director each respond within 10-DHS business days of receipt. The grievant is informed ~~the request for additional reviews~~ review requests must be submitted within 15-calendar days of the correspondence date. The Director's decision is final.

~~(7) The grievant is requested to file only one written grievance. Referrals for resolution are made by the DHS staff involved in the response.~~

(c) Grievance procedures against a CCS employee. A residential program or child-placing agency may file a grievance about a CCS employee who retaliated against a program or program employee, within 30-calendar days of the alleged incident. Reports are investigated regardless of the grievant's decision to remain anonymous.

(1) The grievant is referred to the programs manager, who attempts to resolve the matter.

(2) When the grievant is not satisfied with the proposed resolution at the programs manager level, the grievant is referred to an assistant licensing coordinator. The assistant licensing coordinator:

(A) requests the allegations be submitted in writing; however, written submission is not required;

(B) investigates the allegations; and

(C) provides written investigation results to the grievant, when contact information is available.

(3) The assistant licensing coordinator's decision is final; however, the grievant may request the CCS director review the finding.

SUBCHAPTER 3. LICENSING STANDARDS FOR CHILD CARE FACILITIES

PART 15. REQUIREMENTS FOR CHILD CARE CENTERS, DAY CAMPS, DROP-IN PROGRAMS, OUT-OF-SCHOOL TIME PROGRAMS, PART-DAY PROGRAMS AND PROGRAMS FOR SICK CHILDREN

340:110-3-281.3. Personnel and non-personnel records and documentation

(a) **General.** General records and documentation requirements, per Oklahoma Administrative Code (OAC) 340:110-3-281 also apply to the items in this Section.

(b) **Personnel records.** Records are maintained for at least 12 months following the last date of employment, unless requirements specifically state otherwise. When the program is owned by a business entity with two or more programs and a general administrative office, personnel records are not required on-site, unless the requirements specifically state otherwise, provided current personnel records are made available to Licensing by the end of the next Licensing business day.

(1) **Personnel information.** The Oklahoma Department of Human Services (DHS) form is:

(A) completed by each personnel; and

(B) submitted to Licensing within two weeks of employment.

(2) **Criminal history review requests and results.** The DHS form is maintained for each required individual.

(3) **Treating medical personnel statement. Report** ~~The report~~ from treating medical personnel is maintained, when required, per OAC 340:110-3-283(f).

(4) **Professional development plan.** The program maintains a current plan, when required, per OAC 340:110-3-284(d) ~~that~~ and:

(A) is relevant to the roles and responsibilities for the assigned position(s);

(B) includes training regarding requirements;

(C) varies each year; and

(D) builds upon previously obtained professional development.

(5) **Probationary Master teachers.** Probationary master teachers complete the DHS form identifying educational professional development plans.

~~(5)~~ **Professional development verification.** All verification is submitted to the Oklahoma Professional Development Registry (OPDR), unless entered by an OPDR approved trainer. In addition, the program maintains, on-site:

(A) all verification, until the individual is registered on OPDR; and

(B) cardio-pulmonary resuscitation (CPR) and first aid ~~certification~~ certifications.

~~(6)~~ **Orientation.** The DHS form or a program form containing the same information is maintained for each personnel.

~~(7)~~ **Compliance review.** The DHS requirements compliance review form is available.

~~(8)~~ **Higher risk qualifications.** Documentation of required certification, training, and experience is maintained for at least 12 months.

(910) **Lifeguard certification.** Personnel who perform lifeguard duties have:

- (A) CPR certification; and
- (B) lifeguard certification from American Red Cross, Young Men's Christian Association (YMCA), or equivalent.

(1011) **Driver or commercial driver license.** A copy is maintained for each driver.

(1112) **Seat belt exemption.** A written statement from a licensed physician is maintained, when required, per OAC 340:110-3-305(g).

(c) **Volunteer records.**

(1) **Driver or commercial driver license.** A copy is maintained for 120-calendar days from last use of volunteer unless the document must be maintained longer due to the personnel record requirement per (3) of this subsection.

(2) **CPR and first aid certification/certifications.** Certification is maintained for 120-calendar days from last use of volunteer, unless the document must be maintained longer due to the personnel record requirement per (3) of this subsection.

(3) **Additional.** Personnel records per (b) of this Section are required when a volunteer fills another position, per OAC 340:110-3-284.1 through 340:110-3-284.4, and are maintained for 12 months from last use of the volunteer. However, personnel records are not required when a volunteer only fills the driver position and transports children on an irregular basis.

340:110-3-284.2. Teaching personnel

(a) **General.** In addition to the position specific requirements in this Section, personnel meet the general requirements per Oklahoma Administrative Code (OAC) 340:110-3-284.

(b) **Master teachers.** The program employs or uses at least the minimum number of required individuals or volunteers meeting the position specific requirements in (1) through ~~(5)~~(6) of this subsection.

(1) **Required master teachers.** At least one master teacher is required for every 60 children of the licensed capacity. Only the required number of master teachers are required to meet all of the master teacher requirements. However, all master teachers meet cardio-pulmonary (CPR) and first aid certification requirements in ~~(5)~~(6) of this subsection.

(2) **Position specific qualifications.** Master teachers:

- (A) are at least 18 years of age;
- (B) have at least a high school diploma, General Education Development (GED), or Licensing approved equivalent; and
- (C) have a current Oklahoma Professional Development Ladder (OPDL) certificate, per OAC 340 Appendix FF - Oklahoma Professional Development Ladder of:

- (i) Level 3, specifically met by an Oklahoma Competency Certificate with a Master Teacher emphasis; or
- (ii) Level 4 or higher.

(3) **Probationary master teachers.** Directors may request a one-year probationary period for personnel replacing master teachers not meeting educational criteria per (2)(C) of this subsection.

(A) Probationary master teachers:

- (i) complete the DHS form for the master teacher educational professional development plan, per OAC 340:110-3-281.3(b); and
- (ii) are listed on the Oklahoma Professional Development Registry (OPDR). No specific level is required; however, OPDL timeframes and certificates are met, per OAC 340:110-3-284(b).

(B) Licensing may extend the probationary period for a second year, providing the probationary master teacher is actively pursuing educational qualifications as identified on the DHS form.

(C) Master teacher educational qualifications are met for the initial permit, license issuance, and increases in licensed capacity.

(34) **Director as master teacher.** The director may count as a master teacher when meeting the master teacher qualifications per (b) of this Section. Directors counting as master teachers are eligible for probationary periods per (3) of this subsection.

(45) **Position specific responsibilities.** Master teachers:

- (A) support other teaching personnel in meeting teacher and assistant teacher responsibilities;
- (B) are responsible for:
 - (i) direct care of children;
 - (ii) planning and implementing the lesson plans;
 - (iii) classroom arrangement;
 - (iv) planning and implementing parent communication and family engagement; and
 - (v) providing input on program development and evaluation; and

(C) are present at the facility during the hours of operation at least 50 percent of operating hours or 30 hours per week, whichever is less.

(56) **Position specific professional development.** Master teachers obtain and maintain CPR and first aid certification requirements, per OAC 340:110-3-284(d). Master teachers assuming the position:

- (A) on or after November 1, 2016, obtain the certification within three months; or
- (B) prior to November 1, 2016, obtain the certification before November 1, 2017.

(c) **Teachers.** The program employs individuals or uses volunteers meeting the position specific requirements in (1) through (3) of this subsection.

(1) **Position specific qualifications.** Teachers:

- (A) are at least 18 years of age; and
- (B) have at least:
 - (i) a high school diploma, ~~General Educational Development (GED)~~, or Licensing approved equivalent; or

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- (ii) completed 10th grade and are in the process of obtaining a GED for a period not to exceed 12 months from employment.
- (2) **Position specific responsibilities.** Teachers:
 - (A) have the primary responsibility for direct care of children; and
 - (B) participate in:
 - (i) lesson plan development and implementation;
 - (ii) classroom arrangement;
 - (iii) parent communication and family engagement; and
 - (iv) program development and evaluation.
- (3) **Position specific professional development.** Teachers obtain and maintain CPR and first aid certification requirements, per OAC 340:110-3-284(d). Teachers assuming the position:
 - (A) on or after November 1, 2016, obtain the certification within three months; or
 - (B) prior to November 1, 2016, obtain the certification before November 1, 2017.
- (d) **Assistant teachers.** The program may employ individuals or use volunteers meeting the position specific requirements in (1) through (4) of this subsection.
 - (1) **Position specific qualifications.** Assistant teachers:
 - (A) are at least 16 years of age; and
 - (B) meet one of ~~these~~ the criteria in (i) through (iii).
Assistant teachers:
 - (i) are currently enrolled in high school or an equivalent;
 - (ii) have at least a high school diploma, GED, or approved equivalent; or
 - (iii) have completed 10th grade and are in the process of obtaining a GED for a period not to exceed 36 months from employment.
 - (2) **Position specific responsibilities.** Assistant teachers:
 - (A) are responsible for direct care of children; and
 - (B) carry out assigned tasks that may include participation in:
 - (i) lesson plan development and implementation;
 - (ii) classroom arrangement;
 - (iii) parent communication and family engagement; and
 - (iv) program development and evaluation.
 - (3) **Position specific professional development.** Assistant teachers obtain and maintain CPR and first aid certification requirements, per OAC 340:110-3-284(d). Assistant teachers assuming the position:
 - (A) on or after November 1, 2016, obtain the certification within three months; or
 - (B) prior to November 1, 2016, obtain the certification before November 1, 2017.
 - (4) **Position specific limitations.** Assistant teachers:
 - (A) are overseen by an on-site director, master teacher, or teacher:

- (i) overseeing two or fewer assistant teachers at one time; and
- (ii) providing intervention, when needed; and
- (B) not having sole responsibility for a group of children:
 - (i) for more than three hours per day; and
 - (ii) during higher risk activities, per OAC 340:110-3-290.
- (e) **Substitutes for teaching personnel.** The program may employ individuals or use volunteers or other personnel meeting the position specific requirements in (1) through (3) of this subsection.
 - (1) **Position specific qualifications.** Substitutes meet the teacher qualifications per (c) of this Section. However, the OPDL certificate is not required until indicated in (3) of this subsection.
 - (2) **Position specific responsibilities.** Substitutes meet the responsibility requirements for the position(s) they are filling.
 - (3) **Position specific professional development.** Substitutes meet the general professional development requirements, per OAC 340:110-3-284(d). However, the timeframe for meeting professional development requirements begins when the substitute has worked for the program a total of 80 hours. However:
 - (A) orientation is required, prior to being left alone with children; and
 - (B) CPR and first aid certification ~~is~~ requirements are met per specific position requirements.

SUBCHAPTER 5. REQUIREMENTS FOR CHILD-PLACING AGENCIES

PART 3. REQUIREMENTS FOR ADOPTION AGENCIES

340:110-5-30. Adoptive family assessment

- (a) An adoptive family assessment is completed for each family ~~before~~ aprior to child ~~is placed in the homeplacement.~~ The assessment is documented and available for ~~licensing~~ Licensing staff to review, and includes:
 - (1) ~~one~~ an individual face-to-face interview with each parent;
 - (2) ~~one individual face to face interview with each,~~ school-age child;
 - (3) ~~one individual face to face interview with any,~~ and other adult household ~~member~~ members;
 - (4) ~~one~~ a joint face-to-face interview with both parents;
 - (5) ~~one contact by phone, in person, or by letter with each adult child of the adoptive applicants~~ adults applicants' adult child(ren) no longer living in the home;
 - (6) ~~documentation of a home visit to assess the safety and adequacy of~~ documentation assessing the home environment safety and adequacy; and
 - (7) ~~three written references for the applicants.~~

(b) The ~~written report of the~~ adoptive family assessment written report includes:

- ~~(1)~~ information regarding the adoptive parents';
- ~~(1)~~ family of origin, significant family experiences, and how ~~the adoptive parents were~~ parented;
- ~~(2)~~ the adoptive parents' marital history and significant adult relationships;
- ~~(3)~~ the adoptive parents' ability to handle stress ~~individually and jointly~~;
- ~~(4)~~ parenting experiences, parenting style, and ~~philosophy of discipline of adoptive parents~~ philosophy;
- ~~(5)~~ the family's adjustment to previous adoptions;
- ~~(6)~~ motivation for adoption motivation;
- ~~(7)~~ attitudes of extended family attitudes regarding adoption;
- ~~(8)~~ attitudes toward birth parents;
- ~~(9)~~ attitudes and expectations about openness in adoption and search issues;
- ~~(10)~~ plans for helping children understand adoption plans plans;
- ~~(11)~~ expectations for the adopted child expectations;
- ~~(12)~~ family lifestyle, including social, cultural, and religious orientation;
- ~~(13)~~ educational background of adoptive parents;
- ~~(14)~~ a summary of health information on the adoptive parents summary, including health history, date of medical exam date, and name of physician licensed physician's name;
- ~~(15)~~ adjustment to and acceptance of infertility adjustment and acceptance, when applicable;
- ~~(16)~~ financial information, including employment, income, financial obligations, and access to health care services access;
- ~~(17)~~ verification of employment verification, income, adequate insurance, and any other resources, such as subsidized adoption and Temporary Assistance for Needy Families (TANF);
- ~~(18)~~ plans for child care plans;
- ~~(19)~~ summary of family strengths and weaknesses summary;
- ~~(20)~~ preferences of the adoptive applicants preferences regarding the child's age, gender, health, and other characteristics of the child they wish request to adopt; and
- ~~(21)~~ specific recommendations regarding the appropriateness of the family family's appropriateness, specific reasons for the recommendation, and characteristics of children the child's characteristics, whom the family is approved to adopt.

(c) In addition to the written family assessment, information placed in the adoptive family file includes:

- (1) documentation of medical exams documentation by a health professional, dated not more than 12 months prior to the completion of the adoptive family assessment, and health histories on all household members verifying that the family members are healthy and free of communicable diseases or physical conditions that would impair impairing their ability to care for the adopted child;

~~(2) verification of marriage~~ verification, if when applicable, income and expenses, employment, and medical insurance;

~~(3) the names and addresses of at least three references, including names and addresses, who have~~ having knowledge of the applicants as a family unit; and

(4) documentation of a criminal and Child Welfare Services (CWS) background check, in accordance with per the Oklahoma Adoption Code, [10 O.S. § 7501-1.1 et seq.] Section 7501-1.1 et seq. of Title 10 of the Oklahoma Statutes, and all applicable statutes, along with the agency summary of any findings summary.

(d) The adoptive family assessment is current within 12 months prior to ~~the date of child placement~~ date. Documentation related to the updated family assessment includes:

(1) medical exams by a health professional, dated not more than 12 months prior to the completion of the updated adoptive family assessment, and health histories on all household members verifying that the family members are healthy and free of communicable diseases or physical conditions that would impair impairing their ability to care for the adopted child;

(2) criminal and ~~Child Welfare~~ CWS background check;

(3) at least three written references from persons who have knowledge of the applicants as a family unit;

(4) financial information including employment, income, and financial obligations; and

(5) access to health care services access.

(e) When a home assessment is completed by a licensed private agency in the receiving state, the sending state does not impose any additional requirement to complete the home assessment not required by the receiving state, unless the adoption is finalized in the sending state.

PART 5. REQUIREMENTS FOR FOSTER HOME AGENCIES

340:110-5-59. Number of children

The foster home agency complies with requirements regarding ~~placement of children~~ child placement in the foster family home.

(1) No more than five foster children are placed in the home. The total number of children does not exceed six, including biological, adoptive, foster, and other children not in Oklahoma Department of Human Services (DHS) custody.

(2) The number, ages, and needs of foster children placed in the home are in keeping with ~~the capacity and skills of the foster parents~~ parents' capacities, skills, and accommodations of the home accommodations.

(3) The foster home agency, with Child Welfare Services approval, may place more than five children in DHS custody in the home.

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340:110-5-61.1. Alternative care arrangements

(a) **Informal arrangements or babysitting.** The foster parent may make informal care arrangements with friends, neighbors, or relatives for occasional care of the child care, including before and after school hours, and not to exceed 24 consecutive hours for no more than seven-consecutive calendar days.

(1) The foster parent:

(A) ensures ~~that~~ informal care providers possess the maturity and skills to address the needs of the child in foster care;

(B) secures prior authorization for informal care from the foster home agency (~~agency~~). Prior authorization may apply to multiple events when the same informal provider is used;

(C) does not utilize a child in foster care to babysit a younger child unless approved by the agency ; ~~and~~

(D) provides the informal provider information for contacting the foster parent and other emergency contacts; ~~and~~

(E) uses reasonable and prudent parent standards when selecting an informal caregiver.

(2) The informal provider who is living:

(A) outside of the home must be at least 18 years of age; or

(B) in the home must be at least 16 years of age and ~~related to the~~ foster parent ~~parent's~~ relative.

(3) An informal provider cannot be an individual excluded by Child Welfare Services.

(4) An individual providing care for more than seven-consecutive days must be approved as alternate care.

(b) **Alternate care.** The foster family is encouraged to develop a relationship with another family as an alternate provider who can provide care for the child in foster care in case of family emergencies, family vacations, or ~~when the provider needs~~ needed respite care. The agency must approve the alternate care and have documentation ~~that~~ the alternate provider:

(1) is at least 21 years of age;

(2) ~~has~~ obtained a criminal history records search within the last 12 months conducted by:

(A) the Oklahoma State Bureau of Investigation (OSBI) that includes a search of Oklahoma Department of Corrections files maintained by ~~the OSBI~~, pursuant to ~~per~~ the Sex Offenders Registration Act for each household member, ~~who is~~ 18 years of age or older; and

(B) the authorized agency in the previous state of residence ~~if~~ when the person ~~has~~ resided in Oklahoma less than one year;

(3) meets the foster home requirements, listed in per Oklahoma Administrative Code (OAC) 340:110-5-60;

(4) provides one reference; and

(5) complies with discipline and behavior management requirements, in per OAC 340:110-5-62.

[OAR Docket #18-822; filed 12-19-18]

Executive Orders

As required by 75 O.S., Sections 255 and 256, Executive Orders issued by the Governor of Oklahoma are published in both the *Oklahoma Register* and the *Oklahoma Administrative Code*. Executive Orders are codified in Title 1 of the *Oklahoma Administrative Code*.

Pursuant to 75 O.S., Section 256(B)(3), "Executive Orders of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

TITLE 1. EXECUTIVE ORDERS

1:2018-33.

EXECUTIVE ORDER 2018-33

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power vested in me by Article VI, Sections 1, 2, and 8 of the Oklahoma Constitution, and Title 60, Section 180 of the Oklahoma Statutes, hereby approve the termination of the University Center at Tulsa Authority (the "UCT") to take effect upon the occurrence of certain conditions set forth more fully herein.

As explanation, the UCT and the Tulsa Development Authority (the "TDA") entered into an agreement (the "Agreement") that was approved by the UCT Board of Trustees on August 14, 2018, and by the TDA Board of Commissioners on September 6, 2018. Pursuant to the Agreement, the UCT shall convey to the TDA title to certain property held in trust by the UCT in fee simple, subject to certain conditions. The UCT shall transfer the remaining property held in trust to the Board of Regents for the Oklahoma Agricultural & Mechanical Colleges for the benefit of Oklahoma State University - Tulsa and/or Langston University - Tulsa.

Upon completion of all transfers of UCT property provided for in the Agreement, the UCT will cease to hold any property in trust. The UCT has requested that I approve its termination in accordance with Title 60, Section 180 of the Oklahoma Statutes, which provides that a trust for furtherance of public functions "may be terminated by agreement of the trustee, or, if

there be more than one, then all of the trustees, and the governing body of the beneficiary, with the approval of the Governor of the State of Oklahoma." The UCT requests that my approval take effect upon the occurrence of these statutory conditions and completion of the real property transfers.

Therefore, in accepting the request of the UCT to approve its termination, I, Mary Fallin, Governor of the State of Oklahoma, pursuant to Article VI Sections 1, 2, and 8 of the Oklahoma Constitution, and Title 60, Section 180 of the Oklahoma Statutes, hereby approve of the termination of the UCT, to take effect upon (1) completion of the transfer of all property held in trust by the UCT; (2) the unanimous agreement of the trustees of the UCT to terminate the trust; and (3) the agreement of the Tulsa City Council, the governing body of the City of Tulsa, the beneficiary of the trust, to terminate the trust.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 20th day of December 2018.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
James A. Williamson
Secretary of State

[OAR Docket #18-835; filed 12-20-18]

